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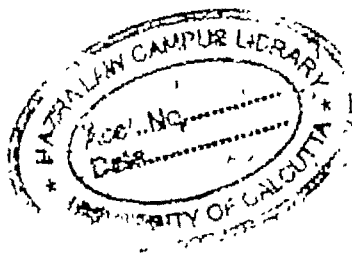
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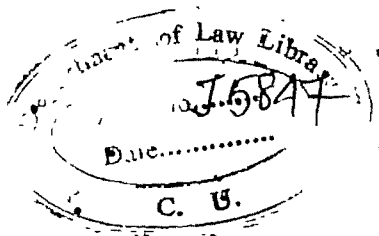
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dated November 24, 1969/Agrahayana 3, 1891.

MINISTRY OF FINANCE

New Delhi, the 21st November, 1969

S. O. 4712.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194A of the **Income-tax Act, 1961** (43 of 1961), the Central Government hereby notify the Gujarat State Textile Corporation Limited, Ahmedabad-9 for the purposes of the said sub-clause.

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dated November 25, 1969/Agrahayana 4, 1891.

MINISTRY OF FOREIGN TRADE AND SUPPLY

New Delhi, the 25th November, 1969

S. O. 4779 —In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947) the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely :—

1. This Order may be called the **Exports (Control) Twentieth Amendment Order, 1969.**

2. In Part A of Schedule I to the said Order, the entries appearing against the following item Nos shall be deleted :—

“18(viii)—Golden Cat”

18(xxiii)—Marbled Cat”

18(xxxi)—Rusty Spotted Cat.”

3. In Part A of Schedule I to the said Order, after Item No. 18—(xliv), the following item shall be added :—

“(xlv)—Golden Cat, Rusty Spotted Cat, Leopared Cat, Fish Cat, Jungle Cat, Pollas Cat, and Marbled Cat.”

S. O. 4780.—In exercise of the powers conferred by Section 3 of the Imports & Exports (Control) Act, 1947, (18 of 1947) the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely :—

1. This Order may be called the **Exports (Control) Twenty-first Amendment Order, 1969.**

2. In the Exports (Control) Order, 1968, in Schedule I, Part B,

after sub-item (q) of item No. 1(iii), the following sub-items shall be added :—

- “(r) Squirrel.
- (s) Fox.
- (t) Porcupine.
- (u) Badger.”

Published in the *Gazette of India*, Part II-Sec. 3(i), No. 48 dated November 29, 1969/Agrahayana 8, 1891.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

G. S. R. 2686.—New Delhi, the 20th November, 1969.—In exercise of the powers conferred by section 5, read with sub-section (1) of section 7 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely :—

1. This Scheme may be called the **Employees' Provident Funds (Fifth Amendment) Scheme, 1969.**

2. In the Employees' Provident Funds Scheme, 1952, after paragraph 68-K, the following paragraph shall be inserted, namely :—

“68-L *Grant of advances in abnormal conditions.*—(1) The Commissioner may, on an application from a member whose property, movable or immovable has been damaged by a calamity of exceptional nature, such as floods, earthquakes or riots, authorise payment to him from the provident fund account a non-refundable advance, not exceeding Rupees two hundred or fifty per cent of his own total contributions including interest thereon standing to his credit on the date of such authorisation, whichever is less, to meet any unforeseen expenditure :

Provided that such member produces evidence to the satisfaction of the Commissioner that the said property has been damaged.

(2) No advance under sub-paragraph (1) shall be paid unless the State Government certifies that any of the aforesaid calamities has affected the general public in that area.”

Published in the *Gazette of India* Part I-Sec. 3(ii), No. 48, dated November 29, 1969/Agrahayana 8, 1891.

S. O. 4718.—New Delhi, the 29th November, 1969.—In exercise of the powers conferred by clause (b) of section 152 of the **Customs Act, 1962** (52 of 1962), the Central Government hereby directs that powers exercisable by a Collector of customs under section 122 of the said Act shall be exercisable also by the Deputy Collector of Customs and Central Excise, Goa.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS HOUSING AND URBAN DEVELOPMENT

New Delhi, the 18th November, 1969

S. O. 4726.—In pursuance of clause (b) of section 2 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (30 of 1952), the Central Government hereby authorises the Special Land Acquisition Collectors at Pathankot and Jullundur in the State of Punjab to perform the functions of a competent authority under the said Act for the areas falling within their respective jurisdictions.

S. O. 4727.—In exercise of the powers conferred by sub-section (1) of section 17 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (30 of 1952), the Central Government hereby directs that

the powers exercisable by it under section 6, section 7, section 8 [except clause (b) of sub-section (1)] and section 13 of the said Act shall be exercisable also by the Special Land Acquisition Collectors, Pathankot and Jullundur, in the State of Punjab in respect of any property situated within their respective jurisdictions provided that powers under the said section 8 in so far as it relates to fixing of compensation by agreement shall not be exercised except with the previous concurrence of the Central Government.

Published in the *Gazette of India*, Part II-Sec. 3(ii), No. 36, dated September 6, 1969/Bhadra 15, 1891.

MINISTRY OF FINANCE

G. S. R. 2138.—New Delhi, the 6th September, 1969.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. These rules may be called the **Central Excise (Eleventh Amendment) Rules, 1969**.

2. They shall come into force on the date of their publication in the Official Gazette.

3. In the Central Excise Rules, 1944, for rule 43, the following rule shall be substituted, namely :—

“43. Notice of manufacture to be given :

(1) Every manufacturer who intends to manufacture excisable goods for the first time shall, before commencing operations, give notice in writing to the Collector and shall specify therein the nature of the raw materials which he intends to use.

(2) Every manufacturer of excisable goods shall, before stopping or resuming the production of such goods, give notice in writing to the Collector of his intention to stop or resume the production of such goods.

(3) Whenever there is any change in the nature of any raw material used, the manufacturer shall, before making any change, give notice in writing to the Collector, specifying the new material to be used.”

Published in the *Gazette of India*, Part II-Sec. 3(ii), dated October 11, 1969/Asvina 19, 1891.

MINISTRY OF FINANCE

G. S. R. 2380.—New Delhi, the 11th October, 1969.—In pursuance of sub-section (2) of section 106 of the **Customs Act, 1962** (52 of 1962), the Central Government hereby authorises Preventive Officers, Grade I and Inspectors of Central Excise appointed for any area adjoining the land frontier or the coast of India to exercise the powers under the said sub-section.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 371, dated October 30, 1969/Kartika 8, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO OPERATION

S. O. 4435.—New Delhi, the 29th September, 1969.—In exercise of the powers conferred by sub-section (1) of section 4 of the **Seeds Act, 1966** (54 of 1966), the Central Government hereby notifies the Seed Testing Laboratory Indian Agricultural Research Institute New Delhi, as the Central Seed Laboratory under the said Act, with effect from first day of October, 1969, for the whole of India.

Published in the *Gazette of India*, Ext., Part II-Sec. 3 (ii), No. 36², dated October 27, 1969/Kartika 5, 1891.

MINISTRY OF FOREIGN TRADE AND SUPPLY

S. O. 4424.—New Delhi, the 27th October 1969.—In exercise of the powers conferred by section 4 of the Coir Industry Act, 1953 (45 of 1953), read with Sub-rule (1) of Rule 5 of the **Coir Industry Rules, 1954**, as amended by the Coir Industry (Amendment) Rules, 1963, the Central Government hereby extends the tenure of the Coir Board as re-constituted in the late Ministry of Commerce's Notification No S. O. No. 2672, dated the 31st August 1966, upto 30th November 1969.

Published in the *Gazette of India*, Part II-Sec. 3(ii), No. 45, dated November 8, 1969/Kartika 17, 1891.

MINISTRY OF FINANCE

S. O. 4514.—New Delhi, the 8th November 1969.—In exercise of the powers conferred by section 152 of the **Customs Act, 1962** (52 of 1962), the Central Government hereby directs that the powers exercisable by the Central Board of Excise and Customs under the proviso to clause (b) of sub-section (1) of section 74 of the said Act, shall also be exercisable by all the Collectors of Customs in respect of those cases in which the goods are entered for export within three years from the date of payment of duty on the importation thereof.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 175, dated November 7, 1969/Kartika 16, 1891.

MINISTRY OF SHIPPING AND TRANSPORT

G.S.R. 2610.—New Delhi, the 7th November 1969.—In exercise of the powers conferred by sub-clause (ix) of clause (a) of sub-section (1) of section 2 of the **Essential Services Maintenance Act, 1968** (59 of 1968), the Central Government, being of opinion that strikes in any service in, or in connection with the working of, Bombay Port or dock (not falling under sub-clause (iv) of the said clause (a)) would result in the infliction of grave hardship on the community, hereby declares every such service to be an essential service for the purposes of the said Act.

G.S.R. 2611.—Whereas the Central Government is satisfied that in the public interest it is necessary to make the following Order.

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 of the **Essential Services Maintenance Act 1968** (59 of 1968), the Central Government hereby prohibits strikes in—

(i) any service connected with the loading, unloading, movement or storage of goods in the Bombay Port or dock; and

(ii) any service in, or in connection with the working of, Bombay Port or dock [not falling under clause (i)], declared by the notification of the Government of India, Ministry of Shipping and Transport No. G.S.R. 2610 dated the 7th November, 1969.

Published in the *Gazette of India*, Ext., Part II, Sec. 3(i), No. 167, dated October 29, 1969/Kartika 7, 1891

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

G.S.R. 2553.—New Delhi, the 29th October 1969.—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following

Order further to amend the Roller Mills Wheat Products (Ex-mill) Price Control Order, 1969, namely:—

1. (1) This Order may be called the Roller Mills Wheat Products (Ex-mill) Price Control (Third Amendment) Order, 1969.

(2) It shall come into force at once.

2. In the Roller Mills Wheat Products (Ex mill) Price Control Order, 1969, in Table I, for the existing entries under column (6), the following entries shall respectively be substituted, namely:—

"109. 0

105.00

84.00

81.00

35 00".

Published in the *Gazette of India, Ext.*, Part II, Sec. 3(i), No. 170, dated November 1, 1969/Kartika 10, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

G.S.R. 2556./Ess. Com./Sugar.—New Delhi, the 1st November 1969.—In exercise of the powers conferred by section 5 of the **Essential Commodities Act, 1955** (10 of 1955), read with clause 15 of the Sugar (Control) Order, 1966 and in continuation of the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food) No. G.S.R. 1750/Ess. Com./Sugar, dated the 20th November, 1967, the Central Government hereby directs that the powers conferred upon it by clause 7 of the said Order shall also be exercisable by the Chief Director, Additional Chief Director, an Officer on Special Duty a Director or a Deputy Director in the Directorate of Sugar and Vanaspati Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food).

Published in the *Gazette of India, Ext.*, Part II, Sec. 3(i), No. 173, dated November 4, 1969/Kartika 13, 1891.

MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 2608 —New Delhi, the 4th November, 1969.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Foodgrains (Prohibition of Use in Manufacture of Starch) Order, 1966, namely:—

1. (1) This Order may be called the **Foodgrains (Prohibition of Use in Manufacture of Starch) Amendment Order, 1969.**

(2) It shall come into force at once.

2. In the Foodgrains (Prohibition of Use in Manufacture of Starch) Order, 1966, for sub-clause (a) of clause 2, the following sub-clause shall be substituted, namely:—

"(a) "foodgrains" means all foodgrains other than hybrid maize (including an admixture of hybrid maize and desi maize containing not more than 15 per cent. of desi maize) grown in India "

Published in the *Gazette of India, Ext.*, Part II, Sec. 3(ii), No. 374, dated November 4, 1969/Kartika 13, 1891.

MINISTRY OF FOREIGN TRADE AND SUPPLY

S. O. 4534.—New Delhi, the 4th November 1969.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely:—

1. This Order may be called the **Exports (Control) Nineteenth Amendment Order, 1969.**

2. In the Exports (Control) Order, 1968 in Schedule I Part A entry against Item No. 6 (viii) shall be deleted

3. In the Exports (Control) Order, 1968, in Schedule I, Part B, after the existing entry against sub-item No 27(iii), the following shall be added:—

“(iv) Potato Seeds.”

Published in the *Gazette of India*, Ext., Part II, Sec. 3(ii), No. 376, dated November 6, 1969/Kartika 15, 1891.

MINISTRY OF FOREIGN TRADE AND SUPPLY

S. O. 4537.—New Delhi, the 6th November, 1969.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Frog Legs (Inspection) Rules, 1965, namely:—

1. These rules may be called the **Export of Frog Legs (Inspection) Second Amendment Rules, 1969.**

2. In the Export of Frog Legs (Inspection) Rules, 1965, for rule 7, the following rule shall be substituted namely:—

“7. *Inspection fees.*—A fee of three paise for every Kg. of frog legs or part thereof shall be charged for inspection under these rules”.

Published in the *Gazette of India*, Ext., Part II, Sec. 3(ii), No. 378, dated November 6, 1969/Kartika 15, 1891.

MINISTRY OF LAW

S. O. 4540.—New Delhi, the 6th November, 1969.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (43 of 1950), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Registration of Electors Rules, 1960, namely:—

1. *Short title.*—These rules may be called the **Registration of Electors (Third Amendment) Rules, 1969.**

2. *Amendment of rule 12.*—In rule 12 of the Registration of Electors Rules, 1960—

(a) in sub-rule (1), after the words and figures ‘under rule 10’, the words ‘or such shorter period as may be fixed by the Election Commission in this behalf’ shall be inserted;

(b) sub-rule (2) shall be omitted.

Published in the *Gazette of India*, Ext., Part II, Sec. 3(ii), No. 380, dated November 13, 1969/Kartika 22, 1891.

MINISTRY OF HOME AFFAIRS

S. O. 4628.—New Delhi, the 12th November 1969.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Madhya Pradesh for a period of three months with effect from 12th November, 1969 as active duty.

Published in the *Gazette of India*, Part II-Sec 3(ii), No. 48 dated November 28, 1969/Agrahayana 8 1891.

MINISTRY OF FINANCE

G.S.R. 2698.—New Delhi, the 29th November 1969—In exercise of the powers conferred by sub-section (3) of section 280ZE of the Income-tax Act, 1961 (43 of 1961), and all other powers enabling it in this behalf, the Central Government hereby makes the following further amendments to the **Tax Credit Certificate (Excise Duty on Excess Clearance) Scheme, 1965**, namely :—

2. In the Tax Credit Certificate (Excise Duty on Excess Clearance) Scheme, 1965,—

(i) after sub-paragraph (6) of paragraph 10, the following sub-paragraph shall be inserted namely :—

“(7) Notwithstanding anything contained in sub-paragraphs (5) and (6), where it is found that the amount for which the certificate was originally issued to a person is in excess of the amount finally determined by a sum not exceeding rupees one hundred, the Central Authority or as the case may be, the Appellate Authority may require the said person by a written demand in Form ‘H’ to pay the excess amount by making a cash deposit into the treasury into the Head of the Account shown in the demand within 10 days of the receipt of the demand.”;

(ii) in Schedule II, after Form ‘G’, the following Form shall be inserted, namely :—

“Form ‘H’

[See Paragraph 10(7)]

To

M/s.....

.....

Dear Sir,

Whereas Tax Credit Certificate, Book No..... Voucher No..... dated for an amount of Rs..... (Rupees) was granted to you under paragraph 6 of the Tax Credit Certificate (Excise Duty on Excess Clearance) Scheme, 1965;

And, whereas, in accordance with the determination under paragraph 10 read with paragraph 6 of the said Scheme, the amount of the Certificate issued to you exceeds the amount determined as aforesaid by Rs..... (Rupees.....);

Now, therefore, you are hereby required under sub-paragraph (7) of paragraph 10 of the said Scheme to deposit the said amount of Rs..... into the Treasury under Head of the Account..... within 10 days of the receipt of this letter of demand.

Published in the *Gazette of India*, Part II-Sec. 3 (ii), No. 47, dated November 22, 1969/Agrahayana 1, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

S.O. 4661—New Delhi, the 6th November 1969—In exercise of the powers conferred by Section 6 of the **Agricultural Produce (Grading and Marketing) Act, 1937** (1 of 1937), the Central Government hereby

declares that the provisions of the said Act shall apply to the following article, namely :—

Soyabean

S.O. 4667/IDRA/18G/69.—New Delhi, the 11th November, 1969.—In exercise of the powers conferred by section 18G and section 25 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order further to amend the Cement Control Order 1967, namely :—

1. (1) This Order may be called the **Cement Control (Third Amendment) Order, 1969.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Schedule to the Cement Control Order, 1967, after item No. 1 and the entry relating thereto, the following shall be inserted, namely :—

“1A. Assam Cements, Cherrapunji 123.50” .

Published in the *Gazette of India*, Part II—Sec. 3 (i) No. 44 dated November 1, 1969/Kartika 10, 1891.

MINISTRY OF HOME AFFAIRS

G.S.R. 2475.—New Delhi the 22nd October, 1969.—In exercise of the powers conferred by section 44 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely :—

1. (1) These rules may be called the **Arms (Fourth Amendment) Rules, 1969.**

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Arms Rules, 1962, in Schedule II, against item 3(g), for the words “Head of the Indian Mission or, in his absence, the Head of the Chancery” occurring in the entry against item (ii) under column 5 pertaining to the “Licensing Authority”, the words “Head of the Mission or the Head of the Chancery” shall be substituted.

MINISTRY OF LABOUR EMPLOYMENT AND
REHABILITATION

G. S. R. 2485.—In exercise of the powers conferred by section 3 read with section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend the Rajasthan Coal Mines Provident Fund Scheme published with the notification of the Government of India in the late Ministry of Labour and Employment No S O. 32, dated the 11th February, 1958, namely :—

1. This Scheme may be called the **Rajasthan Coal Mines Provident Fund (Second Amendment) Scheme, 1969.**

2. Paragraph 21A of the Rajasthan Coal Mines Provident Fund Scheme (hereinafter referred to as the Scheme), shall be re-numbered as sub-paragraph (1) thereof and,—

(i) in sub-paragraph (1) as so re-numbered, for the words and figures “within fifteen days of the close of each month commencing from July, 1964”, the words and figures “within fifteen days of the close of

each month during the period commencing from July, 1964 and ending with December, 1969", shall be substituted ;

(ii) after sub-paragraph (1), as so re-numbered, the following sub-paragraphs shall be inserted, namely :

"(2) Every employer shall, within one month of the close of each quarter commencing on or after the 1st October, 1969, send to the Commissioner or to such other officer subordinate to him as may be authorised by him in this behalf, a return, in duplicate, in form 'W' (Revised) annexed hereto showing the particulars of members ceasing to be employed during the preceding quarter, either by death or otherwise.

(3) On receipt of a return in Form 'W' (Revised), the Commissioner or any other officer subordinate to him as may be authorised by him in this behalf, shall advise in writing every outgoing member or the nominee of every deceased member listed in such return, either to claim refund of Provident Fund or to intimate the details of his re-employment in any other coal mine and such advice shall be accompanied by a blank form for applying for refund."

2. In sub-paragraph (6) of paragraph 43 of the Scheme—

(i) after the words "send the same duly attested to the Commissioner or to such officer under his control as he may authorise in this behalf" the following shall be added, namely :—

"together with such information and documents as may be specified by the Commissioner".

(ii) the words "Where the return in Form 'W' prescribed under paragraph 21A of this Scheme has not been submitted by the employer in respect of the outgoing or deceased member to whom the claim relates, the same shall be sent along with the attested application for refund", shall be deleted.

4. In the Scheme after Form 'W', the following form shall be added, namely :—

FORM 'W' (REVISED)

COAL MINES PROVIDENT FUND

Return of members ceasing to be in service during
the quarter ending 19 .

Name and address of coal mine :

Regd. No. of coal mine :

Serial No.	Account No.	Name of the member (in block capi- tals)	Father's name (or husband's name in the case of married woman)	Last known address of the member	Date of ceasing to be in service	Remarks
1	2	3	4	5	6	7

Signature of Manager or other
authorised official of the coal
mine.

Date.....

DEPARTMENT OF COMPANY AFFAIRS

G.S R. 2531.—New Delhi, the 18th October, 1969.—In exercise of the powers conferred by section 624A of the **Companies Act, 1956** (1 of 1956) the Central Government hereby appoints the undermentioned persons as Company Prosecutors for the conduct of prosecutions arising out of the said Act in all courts of the State mentioned against the name of each person other than the High Court of the concerned State:—

<i>Name of the Persons</i>	<i>Name of the States</i>
1. Shri O.P. Jangre	Maharashtra
2. Shri L.N. Jaiswal	Maharashtra
3. Shri R.G. Kulshreth	Gujarat
4. Shri B.S. Goswami	West Bengal
5. Shri Sukhamoy Seal	West Bengal
6. Shri K.V.L.N. Anjaneya Sastri	Orissa
7. Shri K. Raveendranthan Nair	Kerala
8. Shri Zaki Mohamed Ansari	Delhi & Haryana
9. Shri V. Ramakrishnan	Tamilnadu
10. Shri H.S. Bhatia	Uttar Pradesh
11. Shri O.P. Sethi	Punjab.

G. S. R. 2532.—New Delhi, the 23rd October 1969.—Whereas certain draft rules further to amend the Explosives Rules 1940, were published as required by Section 18 of the Indian Explosives Act, 1884 (4 of 1884) at p. 1072 of the Gazette of India, Part II—Section 3, Sub-Section (i), dated the 12th April, 1969, under the notification of the Government of India in the Ministry of Industrial Development, Internal Trade and Company Affairs (Department of Industrial Development) No. G. S.R. 944, dated the 3rd April, 1969, inviting objections and suggestions from all persons likely to be affected thereby till 24th April, 1969 ;

And whereas the said Gazette was made available to the public on 12th April, 1969 ;

• And whereas the objections and suggestions received from the public on the said draft have been considered by the Government;

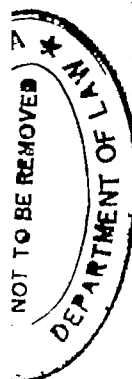
Now, therefore, in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (4 of 1884) the Central Government hereby makes the following rules further to amend the Explosives Rules, 1940, namely:—

1. These rules may be called the **Explosives (Third Amendment) Rules, 1969.**

2. In the Explosives Rules, 1940, in Schedule IV, in the entries against Article No. 10, in column 4, after the existing entries, the following entry shall be added namely:—

“All Sub-Divisional Magistrates in the State of Uttar Pradesh”.

G. S. R. 2533.—Whereas certain draft rules further to amend the Explosives Rules, 1940, were published as required by section 18 of the Indian Explosives Act, 1884 (4 of 1884) at page 1418 of the Gazette of India, Part II—Section 3, Sub-section (i), dated the 31st May, 1969 under the notification of the Government of India in the Ministry of Industrial Development of Internal Trade and Company Affairs



(Department of Industrial Development) No. G. S. R. 1255, dated the 23rd May, 1969, inviting objections and suggestions from all persons likely to be affected thereby, till the 20th June, 1969;

And whereas the said Gazette was made available to the public on the 31st May, 1969;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 4 and 7 of the said Act, the Central Government hereby makes the following rules further to amend the Explosives Rules, 1940, namely:

1. These rules may be called the **Explosives (Fourth Amendment) Rules, 1969.**

2. In rule 85 of the Explosives Rules, 1940, in sub-rule (9), after the words "State of Maharashtra" the words "or the State of Gujarat" shall be inserted.

G. S. R. 2534.—Whereas certain draft rules further to amend the Explosives Rules, 1940, were published as required by section 18 of the Indian Explosives Act, 1884 (4 of 1884), at p. 928 of the Gazette of India, Part II, Section 3—Sub-Section (i), dated the 29th March, 1969, under the notification of the Government of India in the Ministry of Industrial Development, Internal Trade and Company Affairs (Department of Industrial Development), No. G.S.R. 865, dated the 17th March, 1969, inviting objections and suggestions from all persons likely to be affected thereby, till the 19th April, 1969;

And whereas the said Gazette was made available to the public on the 29th March, 1969;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Government;

Now, therefore, in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (4 of 1884), the Central Government hereby makes the following rules further to amend the Explosives Rules, 1940, namely:—

1. These rules may be called the **Explosives (Second Amendment) Rules, 1969.**

2. In the Explosives Rules, 1940:—

(i) in clause (i) of rule 35, for the expression "4,500 Kg.", the expression "10 tonnes or half the carrying capacity of the wagon, whichever is less", shall be substituted;

(ii) in sub-rule (2) of rule 70, for the expression "4,500 Kg.", the expression "10 tonnes or half the carrying capacity of the carriage, whichever is less," shall be substituted; and

(iii) in rule 75—

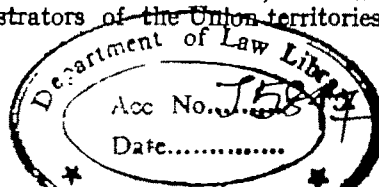
(a) sub-rule (2) shall be omitted;

(b) sub-rule (3) shall be re-numbered as sub-rule (2).

Published in the *Gazette of India*, Part II—Sec. 3(ii) No. 44, dated November 1, 1969/Karika 10, 1891,

MINISTRY OF HOME AFFAIRS

S O. 4336.—New Delhi, the 16th, October 1969.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrators of the Union territories of Chandigarh.



Delhi, Goa, Daman and Diu, Himachal Pradesh, Manipur and Pondicherry, shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the Central Government under section 11 of the **Central Sales Tax Act, 1956** (74 of 1956), within the respective Union territories.

S.O. 4346.—New Delhi, the 17th October 1969.—In pursuance of clause (4BB) of section 17 of the **Reserve Bank of India Act, 1934**, (2 of 1934) the Central Government hereby notifies the Madras Industrial Investment Corporation Limited as a financial institution for the purposes of the said clause.

Published in the *Gazette of India*, Part-II Sec. 3(ii), No. 49 dated December 6, 1966/Agrahayana 15, 1891 .

MINISTRY OF FINANCE

G.S.R. 2758.—New Delhi, the 5th December 1969.—In exercise of the powers conferred by sub-section (2) of section 79, read with sub-section (3) of section 100, of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules further to amend the Passengers (Non-Tourist) Baggage Rules, 1960, namely :—

1. (1) These rules may be called the **Passengers (Non-Tourist) Baggage (Third Amendment) Rules, 1969**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the preamble to the Passengers (Non-Tourist) Baggage Rules, 1960, for the words "other than those in Ceylon or Pakistan", the words "other than those in Ceylon, Pakistan or Nepal," shall be substituted.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 397, dated December 4, 1969/Agrahayana 13, 1891

MINISTRY OF FOREIGN TRADE AND SUPPLY

S. O. 4860/IECA/3/5/69.—New Delhi, the 4th December, 1969.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Imports (Control) Order, 1955, namely:—

1. This Order may be called the **Imports (Control) Fifth Amendment Order, 1969**.

2. In Schedule I to the Imports (Control) Order, 1955—

(i) In Part V, the following sub-serial number and entry shall be inserted, namely:—

Sl. No.	Name of the article	Item of the First Schedule to Indian Tariff Act, 1934
---------	---------------------	---

34-37(i)	Ceramic colours	...
----------	-----------------	-----

(ii) In Part V, for S. No. 34—37(j) and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

1	2	3
34-37(k)	Other manufactured paints, distempers, varnishes and lacquers	...

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 394,
dated December 1, 1969/Agrahayana 16, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

S. O. 4785.—New Delhi, the 1st December, 1969.—In exercise of the powers conferred by section 8 of the **Seeds Act, 1966** (54 of 1966), the Central Government in Consultation with the Administration of Goa, Daman & Diu, hereby appoints the National Seeds Corporation Ltd., a company registered under the companies Act, 1956 (1 of 1956) as a certification agency for the Administration of Goa, Daman & Diu upto April 1970.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 400,
dated December 8, 1961/Agrahayana 17, 1891.

MINISTRY OF HOME AFFAIRS

S. O. 4913.—New Delhi, the 8th December, 1969.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Union Territory of Chandigarh for a period of three months with effect from 15th December, 1969, as active duty.

S.O. 4914.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Tripura for a period of three months with effect from 15th December, 1969 as active duty.

S.O. 4915.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Assam for a period of three months with effect from 11th December, 1969, as active duty.

S.O. 4916.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Jammu & Kashmir for a period of three months with effect from 26th December, 1969 as active duty.

S.O. 4917.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Punjab for a period of three months with effect from 19th December, 1969 as active duty.

S.O. 4918.—In pursuance of the provisions of clause (a) of sub-section (1) of section 2 of the **Border Security Force Act, 1968** (47 of 1968) the Central Government hereby declares the duty by every person referred to in the said clause (a) serving in Gujarat for a period of three months with effect from 20th December, 1969 as active duty.

Published in the *Gazette of India*, Part II-Sec. 3(i), No. 52, dated
December 27, 1969/Pausa 6, 1891.

MINISTRY HOME OF AFFAIRS

G.S.R. 2795.—New Delhi, the 18th December, 1969.—In exercise of the powers conferred by section 18 of the Citizenship Act, 1955 (57 of 1955) the Central Government hereby makes the following rules further to amend the Citizenship Rules, 1956, namely:—

1 These rules may be called the **Citizenship (Second Amendment) Rules, 1969.**

2. In rule 3 of the Citizenship Rules, 1956, (hereinafter referred to as the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The oath of allegiance specified in the Second Schedule to the Act shall be affirmed (or sworn), subscribed and attested before registration.”

3. In rule 4 of the said rules, for sub-rule (2) the following sub-rule shall be substituted, namely:—

“(2) The oath of allegiance specified in the Second Schedule to the Act shall be affirmed (or sworn), subscribed and attested before registration.”

4. In rule 9 of the said rules, for clause (d), the following shall be substituted, namely:—

“(d) has signed the oath of allegiance specified in the Second Schedule to the Act.”

Published in the *Gazette of India*, Part II-Sec. 3(ii) No. 52, dated December 27, 1969/Pausa 6, 1891.

MINISTRY OF FINANCE

S. O. 5009.—New Delhi, the 10th December 1969.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the **Income-tax Act 1961** (43 of 1961) the Central Government hereby authorises:—

1. Shri M. C. Basu Mallick.
2. Shri R. G. Ghosh.
3. Shri S. N. Roy.

who are Gazetted Officers of the West Bengal Government to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date of the issue of this Notification.

Published in the *Gazette of India*, Part II-Sec. 3(i) No. 51, dated December 20 1969/Agrahayana 29, 1891.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE COMPANY AFFAIRS

G.S.R. 2763.—New Delhi, the 15th December 1969.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 637 of the **Companies Act 1956** (1 of 1956), the Central Government hereby delegates its powers and functions under sub-section (ID) of section 108 of the said Act, to the Regional Directors of the Company, Law Board at Bombay, Calcutta, Madras and Kanpur, subject to the condition that the said Regional Directors shall, subject to the control of the Company Law Board, exercise the powers and perform the functions so delegated in respect of the transfer of the shares of the companies, the registered offices of which are situate within their respective jurisdictions.

Published in the *Gazette of India*, Part II-Sec. 3 (i), No 50, dated
December 13, 1969/Agrahayana 22, 1891

SUPREME COURT OF INDIA

G.S.R. 2746—New Delhi the 6th December, 1969 —In exercise of the powers conferred by article 145 of the Constitution and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966, namely :—

1. (1) These rules may be called the **Supreme Court (Second Amendment) Rules, 1969.**

(2) They shall come into force on the date of their publication in the Official Gazette

2. In the Supreme Court Rules, 1966,—

(1) in Order XXI,—

(i) in sub-rule (2) of rule 8,—

(a) for the words “a counsel”, and “the counsel” the words “an Advocate” and “the Advocate” shall, respectively, be substituted;

(b) the words “and it shall be payable by the State concerned” shall be added at the end;

(ii) after sub-rule (2) of rule 8, the following *Explanation* shall be inserted, namely :—

Explanation—For the purposes of this rule, the term “State” shall include Union territory.”;

(iii) after rule 25, the following rule shall be inserted, namely :—

“25 A (1) After the hearing of the petition or the appeal as the case may be, is over, the Registrar or the Deputy Registrar shall issue to the Advocate concerned a certificate in the prescribed form indicating therein the name of the Advocate engaged at the cost of the State concerned, the number of days the hearing had lasted in the petition or the appeal and the amount of fees payable to the Advocate engaged under sub-rule (2) of rule 8 or rule 25.

(2) The State concerned shall pay the fees specified in the certificate issued under sub-rule (1) to the Advocate named therein within three months from the date of his presenting before it, his claim for the fees supported by the certificate. If the fees are not paid within the above period the Advocate shall be entitled to recover the same from the State concerned in enforcement of the certificate as if it were an order as to the cost, under The Supreme Court (Decrees and Orders) Enforcement Order, 1954.

Explanation.—For the purposes of this rule, the term “State” shall include a Union territory.”

(2) in the Third Schedule (Table of Court Fees), in Items 2 and 11 of Part III, for the word “five”, the word “four” and for the word and figure “Re 1” the word the figures “Rs 1.50” shall be substituted;

(3) in the Fifth Schedule, after Form No. 9, the following Form shall be inserted; namely :—

“No. 9-A

SUPREME COURT OF INDIA

Certificate to the Advocate appointed at the cost of the State.

[S.C.R. Order XXI, rules 8(2), 25 and 25-A]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
Petition for Special leave to Appeal (Criminal) No. Of 19.
Criminal Appeal No. Of 19

Petitioner's)
Appellant(s)

Versus

The State of

Respondent(s)

C E R T I F I C A T E

Certified that Shri..... Advocate, was engaged at the cost of the State in the above Petition/Appeal which was heard on... ..
.....and that Rs..... only [Rupees (in words)
.....only] are payable to him as his fees by the State of.....

Registrar
Deputy Registrar

Note : Strike out whichever is not applicable."

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEV- ELOPMENT AND COOPERATION

G. S. R. 2747.—New Delhi, the 5th December 1969.—In pursuance of section 12A of the **Essential Commodities Act 1955**, (10 of 1955) the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Food & Agriculture (Department of Food) No. G. S. R. 1842, dated the 24th December, 1964, namely:—

In the said notification, in Schedule II,—

(i) After serial number 85-MM and the entry relating thereto, the following serial numbers and entries shall be inserted, namely:—

(1)	(2)	(3)
85-NN	The West Bengal Foodgrains	Procurement (Levy)
	Order, 1969.	
85-00	The West Bengal Rice Mills	(Control and Levy)
	Order, 1969.	

Published in the *Gazette of India* Part II-Sec. 3 (ii), No. 50, dated December, 13, 1969/Agrahyana 22, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEV- ELOPMENT AND CO-OPERATION

S. O. 4878.—New Delhi, the 18th November, 1969.—In exercise of the powers conferred by Section 6 of the **Agricultural Produce (Grading and Marking) Act, 1937** (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following article, namely:—

Hay.

S. O. 4879.—In exercise of the powers conferred by section 6 of the **Agricultural Produce (Grading and Marking) Act, 1937** (1 of 1937), the Central Government hereby declare that the provisions of the said Act shall apply to the following article namely:—

Buffalo hair.

Published in the *Gazette of India*, Ext. Part II- Sec. 3 (ii), No 384,
dated November 14, 1969/Kartika 23 March, 1891.

MINISTRY OF HOME AFFAIRS

S.O. 4632.— New Delhi, the 12th November 1969.—In exercise of the powers conferred by Section 22 sub-section (1) of the Central Industrial Security Force Act 1968 (No. 50 of 1968), the Central Government hereby makes the following rules, namely :—

THE CENTRAL INDUSTRIAL SECURITY FORCE RULES, 1969.

CHAPTER I

Preliminary

1. *Short title and commencement*—(1) These Rules may be called the **Central Industrial Security Force Rules, 1969.**

(2) They shall come into force on the date of their publication in the official gazette.

2. *Definitions*.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Central Industrial Security Force Act, 1968 (50 of 1968),

(b) “Appendix” means an Appendix to these rules ;

(c) “Schedule” means a Schedule appended to these rules;

(d) words and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act,

CHAPTER II

Composition of the Force

3. *Composition of the Force*.—The ranks or supervisory officers and members of the Force which shall be constituted on a battalion basis, shall be as follows, namely :—

(i) Inspector General ;

(ii) Deputy Inspector General ;

(iii) Commandant (Chief Security Officer) ;

(iv) Assistant Commandant (Security Officer) ;

(v) Company Commander (Inspector) ;

(vi) Platoon Commander (Sub Inspector) ;

(vii) Assistant Sub-Inspector ;

(viii) Head Security Guard ;

(ix) Senior Security Guard (Armed only) ;

(x) Security Guard,

and each person shall be the immediate superior in the rank to the one mentioned below him.

Duties

4. *Duties of Inspector General*.—(1)—The Inspector General shall be the Head of the Force and shall be responsible for maintaining it in a State of high efficiency, training, discipline and morale and he shall for that purpose take all such steps as he may consider necessary, by way of tours, inspections, examination of records, calling for reports, framing regulations, issuing instructions and giving directives on all matters pertaining to the administration of the Force. He shall in particular guide and direct the Deputy Inspectors General and the Chief Security

Officers and it shall be his duty to ensure that each Deputy Inspector General maintains the Force in his charge at a high level of efficiency and discipline.

(2) The Inspector General shall keep himself in touch with the Chairmen, Managing Directors and General Managers of the public sector undertakings where the Force is deputed and post himself from time to time with the problems and needs of each such undertaking in relation to the Force. He shall maintain close liaison with the police and other authorities, of the States so as to secure effective co-ordination between the State police and the Force in regard to matters pertaining to the protection and security of public Sector undertakings. He shall keep the Central Government duly informed of all matters of importance.

5. *Duties of Deputy Inspector General.*—(1) For proper supervision of the Force the country shall be divided in Zones. A Deputy Inspector General shall be in charge of each Zone. He shall be responsible for maintaining the Force in his charge in a State of high efficiency, training, discipline and morale. For this purpose he shall inspect the battalions and the industrial undertakings in public sector in his Zone where the Force is deputed at least twice a year and send his inspection reports to the Inspector General giving details of the state of the Force and its administration.

(2) The Deputy Inspector General shall be readily available to the Commandants (Chief Security Officers) and shall aid, advise and control them. He shall keep in touch with the Chairmen, Managing Directors and General Managers of the undertakings in his Zone and shall also keep liaison with the State authorities with a view to securing full co-operation between the State police and the Force in ensuring proper protection and security of the property of the industrial undertakings in the public sector in his Zone. He shall keep the Inspector General fully informed of all developments which need his attention. Normally all communications between the Chief Security Officer and the Inspector General shall be channelised through the Deputy Inspector General though in cases of great urgency the Chief Security Officer may write to the Inspector General direct in which case he shall endorse a copy to the Deputy Inspector General.

6. *Duties of Managing Director and General Manager.*—The Force deputed to an undertaking shall work under the general supervision, direction and control of the Managing Director or General Manager of that undertaking. The Commandant (Chief Security Officer) of the Force shall keep the Managing Director or General Manager fully informed of all developments including the state of the Force. The Managing Director or General Manager shall inspect the posts of the Force situated in his undertaking at least once a year.

7. *Duties of Commandant (Chief Security Officer).*—(1) The Commandant (Chief Security Officer) shall be the Head of the battalion. He shall be responsible for the efficiency, discipline and morale of the battalion and for the proper management of each branch of the Force under him. He shall periodically inspect the units of the Force under his command. All orders to the Force under him shall emanate from him and all communications from the Force under him shall pass through him.

(2) The Commandant (Chief Security Officer) shall regularly inspect the detachments of the Force posted outside the Headquarters and ensure that they remain in a high state of efficiency. He shall ensure that all members of the Force under him attend parade and refresher courses in turn according to a programme. When at Headquarters, he shall attend the parade every Tuesday and Friday and hold the Orderly Room every Friday.

(3) The Commandant (Chief Security Officer) shall be responsible for the security of the undertaking in which the detachments of his battalion are posted. For that purpose he shall remain in close touch with the district as well as police authorities and the Heads of the various departments in the said undertaking. He shall keep the Managing Director and General Manager of the said undertaking as well as the Deputy Inspector General fully informed of all developments and send them regular fortnightly reports as prescribed. Matters of urgent nature however, shall be brought to their notice by the quickest possible means. He shall pay his personal attention to the working of the Intelligence Wing and ensure that intelligence is efficiently collected and conveyed promptly to the Managing Director, General Manager and the Deputy Inspector General.

8. *Duties of Assistant Commandant (Security Officer).*—The Assistant Commandant (Security Officer) shall assist the Commandant (Chief Security Officer) and unless specifically directed to the contrary in the regulations framed for the purpose, he shall perform all the functions of the Chief Security Officer when so required by the latter. He shall be responsible for the efficiency, discipline and morale of the companies and all the branches under him and shall also be responsible for the security of the undertaking or its part entrusted to him.

CHAPTER III

Procedure of arrest, search etc.

9. *Arrest.*—When any person is arrested under Section 11 of the Act, he shall be handed over to a police officer or at the nearest police station without avoidable delay along with a brief not giving the time, date and reasons of arrest.

10. *Search.*—Whenever a search of a person or his belongings is conducted under Section 12 of the Act, an inventory shall be prepared in the presence of two respectable witnesses and a copy of the inventory shall be given to the person concerned and if any property suspected to be stolen is found on such search it shall also be sent to the police along with the person.

CHAPTER IV

Appointments

11. *Power of Appointment.*—Subject to the provisions of the Act and these rules, appointments to the posts of Inspectors and Sub-Inspectors may be made by the Deputy Inspector General concerned and appointments to the ranks of Head Security Guards, Security Guards and Followers may be made by the Chief Security Officer concerned.

12. *Method of Recruitment.*—Appointments to the Force may be made by—

- (i) direct recruitment ;
- (ii) deputation ; and
- (iii) promotion.

CHAPTER IV-A

Direct Recruitment

13. Direct recruitment will be to the ranks of Security Guards Sub-Inspectors and Security Officers.

14. *Qualification for direct recruitment.*—(1) No person shall be eligible for recruitment as a Sub-Inspector unless—

(a) he is an Indian national of not less than 19 years and not more than 25 years of age ;

(b) he is not less than 5 ft.—6 inch (or in the case of a hillman or tribesman 5 ft.—3 inch) in height and 32 inch round the chest unexpanded ;

(c) he has passed the Intermediate Examination from a recognised institution or possesses such other equivalent educational qualifications as may be notified by the Central Government in this behalf.

proficiency in games, sports and athletics, membership of the National Cadet Corps and such other organisations or institutions as may be approved by the Inspector General shall be additional qualifications.

(2) No person shall be eligible for recruitment as a Security Guard unless he—

(a) is an Indian national of not less than 18 years and not more than 25 years of age ;

(b) has passed class VI or equivalent examination ;

(c) is not less than 5 ft.—6 inch (or in the case of hillman or tribesman 5 ft.—3 inch) in height and 32 inch round the chest unexpanded.

(3) Notwithstanding anything contained in clause (b) of sub-rule (1) or Clause (c) of sub-rule (2) a person who is under 20 years of age and of height not less than 5 ft.—5 inch, and 30 inch round the chest unexpanded shall, if he is otherwise qualified and if the Medical Officer certifies that he is under 20 years of age and that he is likely to attain the standard measurements referred to in these rules, shall be eligible for recruitment as Sub-Inspector or Security Guard.

(4) Ex-servicemen who are of exemplary or very good character may be enlisted notwithstanding that they exceed the above age limit provided they are under 30 years of age and are otherwise suitable for enlistment.

(5) Relaxation in the above conditions for recruitment of security guards can be made with the approval of the Deputy Inspector General in specially deserving cases provided the candidate is medically fit.

15. *Agreement.*—At the time of appointment every member of the Force shall execute an agreement in the form in Appendix 'A'.

16. *Follower.*—A person having proficiency in the trade for which he is required and who has attained the age of 18 years but not more than forty years, may be enlisted as a follower by the Commandant provided he is medically fit.

CHAPTER IV-B

Deputation

17. (1) The Central Government may from time to time determine the number of posts in each rank to which appointments should be made by deputation.

(2) Deputation to any rank or post in the Force may be—

(a) from State Police forces, or

(b) from the Railway Protection Force, the Border Security Force, and such other forces of the Union (other than the Army, Navy and Air

Force) as may be notified by the Central Government from time to time.

(3) The period of deputation shall normally be five years, but such period may be reduced or increased by the Central Government generally or in individual cases.

() (i) During the period of deputation the officer on deputation shall be governed by the provisions of the Act and the rules and regulations made thereunder.

(ii) Without prejudice to the foregoing, every such officer shall be subject to the rules of discipline applicable to the corresponding rank of the Forces.

(5) Save as aforesaid, the other terms and conditions of deputation shall be such as may be agreed upon between the lending authority and the Central Government.

(6) Notwithstanding anything contained in sub-rule (3) the Central Government may, without assigning any reason, terminate the period of deputation of any officer at any time and such termination shall not be deemed to be a punishment.

CHAPTER IV-C

Promotion

18. (1) Promotion from one rank to another rank among the members of the Force shall be made on the basis of select lists prepared by Committees appointed by the Inspector General for the purpose after holding such written, oral, practical and personality tests as may be prescribed in the regulations. Conditions of eligibility of a candidate for promotion to a particular rank will be such as are laid in the regulations.

(2) Specially deserving security guards who have put in 15 years of service may be promoted, without undergoing the above written tests, to the rank of Head Security Guards on the basis of their service record, by the Commandant with the approval of the Deputy Inspector General but the total number of such promotions shall not exceed 20 per cent of the number of promotion made within the Zone at any given time. Similarly, specially deserving Head Security Guards who have put in 20 years of service may without undergoing the above written tests be promoted to the rank of Assistant Sub-Inspector on the basis of their service record, by the Deputy Inspector General with the approval of the Inspector General but the total number of promotions shall not exceed 20 per cent of the total number of promotions made at any given time.

(3) Promotion to the rank of Security Officer and that from one rank of Superior Officer to a higher rank will be on the basis of selections made in accordance with the orders issued by the Central Government in this behalf.

19. *Probation* (1) All appointments by direct recruitment or promotion shall be on probation for two years subject to the provision that the appointing authority may extend this period in special cases.

(2) The appointing authority shall, on the expiry of the period of such probation or such extended period, pass an order declaring that the probationer has completed the period of probation satisfactorily and is suitable for confirmation in that rank. If he considers him unsuitable, the probationer shall be liable to be discharged in the case of a direct recruit or reverted to his substantive post in the case of a promotee.

CHAPTER V

Special provisions

20. *Special Provisions for Scheduled Castes and Tribes members.*—Special

provisions and relaxations in respect of persons belonging to scheduled castes and scheduled tribes for appointments and promotions under Central Government service as current from time to time shall apply with necessary notifications to appointments and promotions in the Force in respect of persons belonging to such castes or tribes.

21. *Power to relax.*—Notwithstanding anything contained in the foregoing rules where, in the interest of the formation and the due functioning of the Forces, such course is necessary, the Inspector General may, with the approval of the Central Government, relax the requirements of any rule relating to recruitment to the Force, to such extent as may be necessary.

CHAPTER VI

22. *Pay and Allowances.*—The various ranks in the Force shall be as follows and their scales of pay, allowances etc. will be such as are notified by the Government :—

1. Director, Industrial Security/Inspector General
2. Deputy Inspector General
3. Chief Security Officer/Commandant
4. Security Officer/Assistant Commandant
5. Company Commander/Inspector
6. Platoon Commander/Sub-Inspector
7. Assistant Sub-Inspector
8. Head Security Guard ;
9. Senior Security Guard (Armed only)
10. Security Guard

CHAPTER VII

Conditions of service and Conduct

23. *Powers of Inspector General to frame regulation.*—The Inspector General may from time to time for the proper administration of the Force frame and issue regulations with the approval of the Central Government, and the supervisory officers and members of the Force shall, as a condition of their service, be governed by such regulations in the discharge of their duties.

24. *Right to form service Associations* —(1) No supervisory officer or member of the Force shall enrol himself as a member of or work for or make any contribution directly or indirectly to any Trade Union except with the previous permission of the Central Government

(2) A supervisory officer of the Force may, however, be a member of an association composed entirely of members of the service to which he belongs or of gazetted officers of the industrial undertakings in the public sector. A member of Force may, however, be a member of an association composed of members of the service to which he belongs or an association composed entirely of members of the Force and constituted with the approval of the Inspector General.

(3) Any such association, as is mentioned in sub-rule (2) shall not however, be an association that may affiliate itself to any union or other association whatsoever

25. *Recognition of Associations.*—The Central Government may, from time to time, specify the authority competent to recognise associations, the conditions for their recognition and the privileges of such recognised association and also provide for withdrawal of such recognition.

CHAPTER VIII

Training

26. *Training Manual*.—The Inspector General shall frame a Training Manual prescribing the standard of training for different courses which shall include the following subjects :—

- (1) Correct wearing of uniform, i.e. clothing and accoutrements;
- (2) Ceremonial Drill and Guard Mounting;
- (3) Squad, Platoon, Company and Battalion Drill and extended over movement;
- (4) Training in Musketry including riot drill;
- (5) Physical Training;
- (6) Central Industrial Security Force Act, these Rules, Official Secrets Act 1923 (19 of 1923), necessary provisions of the Code of Criminal Procedure, 1898 (5 of 1898) regarding search, arrest, etc. Necessary provisions of the Indian Penal Code, 1860 (45 of 1860) and other laws;
- (7) Industrial Security including physical security, internal security departmental security, security of personnel, etc.;
- (8) Labour problems and their handling;
- (9) System of collecting intelligence, etc.
- (10) Fire Fighting for those in Fire Services;
- (11) Central Industrial Security Force Regulations, Industrial Security Manual, Dress Regulations Office Manual, etc.;
- (12) Education and Elementary law.
- (13) General i.e. leadership, man management, etc.
- (2) The syllabi for each course and its period of duration shall be given in the Training Manual.

27. *Training Centres*.—(1) There shall be a Central Industrial Security Force Training College for initial refresher and promotion courses for the members and supervisory officers of the Force. The college shall be under the charge of a principal who shall be of the rank of Chief Security Officer and during training the said officers and members of the Force shall be under the disciplinary control of the principal.

(2) In addition to the college referred to in sub-rule (1) there shall be training centres for recruits—one in each Zone. The training centre for recruits shall be under the charge of a principal who shall be of the rank of the Security Officer.

28. *Solemn affirmations of allegiance*.—On appointment each recruit or cadet shall be required to solemnly affirm his allegiance in the form given in Appendix "B" and shall receive a certificate of appointment as prescribed in section 6 of the Act.

CHAPTER IX

Penalties and Procedure

29. *Rules governing discipline*.—(1) Supervisory Officers shall be governed by the rules applicable to the officers of the Central Government of corresponding class in respect of disciplinary proceedings punishments, appeals, revisions and representations.

(2) The members of the Force shall in such matter be governed by the rules in this Chapter.

30. *Suspension*.—(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the President by general or special order, may place a member of the Force under suspension :—

(a) where a disciplinary proceedings against him is contemplated or is pending; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial :

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A member of the Force shall be deemed to have been placed under suspension by an order of the appointing authority—

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours ;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (1) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the Force under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the orders of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the Force is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of the Force shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a member of the Force is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced, against him during the continuance of that suspension, the authority competent to place him under suspension, may for reasons to be recorded by him in writing, direct that the member of the Force shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority

which made or is deemed to have made the order or by any authority to which that authority is subordinate.

31. *Nature of penalties.*—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a member of the Force, namely :—

- (a) dismissal ;
- (b) removal ;
- (c) compulsory retirement ;
- (d) reduction to a lower class or grade or rank or to a lower time scale or to a lower stage in the time-scale of pay ;
- (e) withholding of increment or promotion ;
- (f) removal from any office of distinction or deprivation of special emolument ;
- (g) fine to any amount not exceeding 7 days' pay ;
- (h) censure

Explanation.—The following shall not amount to a penalty within the meaning of this rule, namely :—

- (i) withholding of increment of a member of the Force for failure to pass a departmental examination in accordance with the rules or orders governing the class or grade or rank or post or the terms of his appointment ;
- (ii) stoppage of a member of the Force at the efficiency bar in a time-scale on the ground of his unfitness to cross the bar ;
- (iii) non-promotion, whether in a substantive or officiating capacity, of a member of the Force, after consideration of his case, to a class, grade rank or post for promotion to which he is eligible ;
- (iv) reversion to a lower class, grade, rank or post of a member of the Force officiating in a higher class grade, rank or post on the ground that he is considered after trial, to be unsuitable for such higher class grade, rank or post on administrative ground unconnected with his conduct ;
- (v) reversion to his permanent service, grade or post of a member of the Force appointed to the Force on probation in accordance with the terms of his appointment or the rules and orders governing probation ;
- (vi) replacement of the services of a member of the Force whose services have been borrowed from a State Government or an authority under the control of a State Government at the disposal of the authority which had lent his services ;
- (vii) compulsory retirement of a member of the Force in accordance with the provisions relating to his superannuation or retirement ;
- (viii) termination of service, —
 - (a) of a member of the Force appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation ; or
 - (b) of a member of the force employed under an agreement in accordance with the terms of such agreement ;
 - (c) of a member of the Force appointed in a temporary capacity or for a specified period on one month's notice or on tender of pay of one month in lieu of notice or on the expiry of the said period.

32. *Petty Punishments.*—Head Security Guards and Security Guards may also be awarded, as punishment, extra drill, guard, fatigue or other duty for a term not exceeding fourteen days.

Explanation—Petty punishments shall ordinarily be awarded in Orderly Room as provided in rule 36 in this Chapter.

33. *Disciplinary authority*—The disciplinary authority in respect of a member of the Force for the purpose of imposing any particular penalty or the passing of any disciplinary order shall be the authority specified in this behalf in Schedule I under whose administrative control the member is serving and shall include any authority mentioned in the said schedule superior to such authority.

34. *Procedure for imposing major penalties.*—(1) Without prejudice to the provisions of the Public Servants Inquiries) Act, 1850 (37 of 1850), no order imposing on a member of the Force any of the penalties specified in Clauses (a) to (d) of rule 31 shall be passed except after an inquiry held as far as may be in the manner hereinafter provided.

(2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges together with a statement of the allegations on which they are based, shall be communicated in writing to the member of the Force and he shall be required to submit, within such time as may be specified by the disciplinary authority, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-rule and in sub-rule (3), the expression “the disciplinary authority” shall include the authority competent under these rules to impose upon the member of the Force any of the penalties specified in clauses (e) to (h) of rule 31.

(3) The member of the Force shall for the purpose of preparing his defence be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority, such records are not relevant for the purpose or it is against the public interest to allow him access thereto.

(4) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority may itself inquire into such of the charges as are not admitted or if it considers it necessary so to do, appoint a supervisory officer or an officer not lower in rank than an Inspector, or a Board of Inquiry as the Inquiring Authority to conduct the inquiry.

(5) The member of the Force so charged may be permitted by the Inquiring Authority referred to above to present his case with the assistance of any other member of the Force approved by it.

(6) The Inquiring Authority referred to above shall, in the course of the Inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The member of the Force shall be entitled to cross-examine witnesses examined in support of the charges, to give evidence in person and to produce defence witnesses. If the said Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons for the same in writing.

(7) At the conclusion of the Inquiry, the Inquiring Authority referred to above shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record its findings on such charges, provided that findings on such charges, shall not be

recorded unless the member so charged has admitted the facts constituting the said charges or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include—

(i) the charges framed against the member of the Force and the statement of allegations furnished to him under sub-rule (2) of this rule ;

(ii) the written statement of defence, if any, submitted by the member of the Force ;

(iii) the oral evidence taken in the course of the inquiry ;

(iv) the documentary evidence considered in the course of the inquiry ;

(v) the orders, if any, made by the disciplinary authority and the Inquiring Authority referred to above in regard to the inquiry ; and

(vi) a report setting out the findings on each charge and the reasons therefor.

(9) The disciplinary authority shall, if it is not the Inquiring Authority referred to above, consider the record of the inquiry and record its findings on each charge.

(10) (i) If the disciplinary authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (a) to (h) of rule 31 should be imposed, it shall pass appropriate orders in the case.

(ii) If it is of opinion that any of the penalties specified in clauses (a) to (d) of rule 31 should be imposed it shall—

(a) furnish the member so charged with a copy of the report of the Inquiring Authority referred to above and, where the disciplinary authority is not the said Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the said Inquiring Authority be also furnished to that member ;

(b) give the member so charged a notice stating the action proposed to be taken in respect of him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action; and

(c) consider the representation, if any, made by the member so charged in response to the notice under sub-clause (b) and determine what penalty, if any, should be imposed on the member so charged, and pass appropriate orders in the case.

(11) Orders passed by the disciplinary authority shall be communicated to the member of the Force who shall also be supplied with a copy of the report of the Inquiring Authority referred to above and, where the disciplinary authority is not the said Inquiring Authority, a statement of its findings together with brief reasons for disagreement if any, along with the findings of the said Inquiring Authority shall also be supplied to that member unless they have already been supplied to him.

35 *Procedure for imposing minor penalties.*—(1) No order imposing any of the penalties specified in clauses (e) to (h) of rule 31 shall be passed except after—

(a) the member of the Force is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to take action and given an opportunity to make any representation he may wish to make, and

(b) such representation, if any, is taken into consideration by the disciplinary authority.

- (2) The record of proceedings in such cases shall include:—
 (i) a copy of the intimation to the member so charged of the proposal to take action against him;
 (ii) a copy of the statement of allegations communicated to him;
 (iii) the representation, if any, made by the member so charged;
 and

(iv) the orders on the case together with the reasons therefor.

36. *Procedure for imposing petty punishments.*—Petty breaches of discipline and trifling cases of misconduct by the members of the Force not above the rank of the Head Security Guards or Security Guards shall be inquired into and disposed of in the Orderly Room. The punishments enumerated in rule 32 may be awarded making a record of the summary proceedings in the Orderly Room Register which shall be maintained for keeping record of such punishments. There shall be no appeal against the petty punishment awarded in the Orderly Room.

37. *Special Procedure in certain cases.*—Notwithstanding anything contained in rule 34, rule 35 or rule 36, where a penalty is imposed on a member of the force—

(a) on the ground of conduct which had led to his conviction on a criminal charge; or

(b) where the disciplinary authority is satisfied, for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules.

The disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

A member of the force who has been convicted to rigorous imprisonment on a criminal charge shall be dismissed from service. In such cases no evidence need be given to prove the charge. Only a notice shall be given to the party charged proposing the punishment of dismissal for his having been convicted to rigorous imprisonment and asking him to explain as to why the proposed punishment of dismissal should not be imposed.

38. *Provisions regarding members of the Force taken from State Government etc.*—(1) Where an order of suspension is made or a disciplinary proceeding is taken against a member of the Force whose services have been borrowed from a State Government or an authority subordinate thereto or any other department of the Central Government, the authority lending his services shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against such a member of the force—

(a) if the disciplinary authority is of opinion that any of the penalties specified in clauses (e) to (h) of rule 31 should be imposed on him, it may after consultation with the lending authority, pass such orders in the case as it deems necessary, provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the member shall be replaced at the disposal of the lending authority;

(b) if the disciplinary authority is of opinion that any of the penalties specified in clauses (a) to (d) of rule 31 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

39. *Reduction in rank etc.*—No member of the force shall be reduced to a rank lower than that to which he was first appointed to the service nor shall he be reduced permanently in the sense that he may never be eligible for repromotion however meritorious his subsequent service may be. When reduction to a lower rank, class, grade or a lower time scale or a lower stage in the time-scale is ordered, the order shall also specify the position in the lower rank on such reduction as well as the period for which the reduction shall hold good.

40. *Withholding of increment.*—In the case of withholding of increment as a punishment, the order shall state the period for which the increment is to be withheld and whether it shall have the effect of postponing further increments.

CHAPTER X

Appeals, Revision and Petitions

41. *Appeals against order of suspension.*—A member of the Force may appeal against an order of suspension to the authority, to which the authority which made or is deemed to have made the order is immediately subordinate.

42. *Appeals against order imposing penalties.*—(1) A member of the Force may appeal against an order imposing upon him any of the penalties specified in rule 31 to the authority immediately superior to the authority imposing the penalty.

NOTE.—Appeals against the orders of the Deputy Inspector General shall lie to the Inspector General and against his orders to the Central Government.

(a) There shall be no second appeal. But when the appellate authority imposes a penalty higher than the one appealed against, an appeal shall lie to the authority next superior to the appellate authority only if the penalty imposed by the appellate authority is higher than what was within the competence of the authority which imposed the original penalty.

42-A. *Period of limitation for appeals.*—No appeal under these rules shall be entertained unless it is submitted within a period of one month from the date on which the appellant receives a copy of the order appealed against :—

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

43. *Form and contents of appeal*—(1) Every member of the Force submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

44. *Submission of appeals.*—Every appeal shall be submitted to the authority which made the order appealed against ;

Provided that if such authority is not the head of the office under whom the appellant may be serving or if he is not in service, the head of the office under whom he was last serving, or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forth-with to the said authority.

45. *Withholding of appeals.*—(1) The authority which made the order appealed against may withhold the appeal if—

- (i) it is an appeal against an order from which no appeal lies ; or
- (ii) it does not comply with any of the provisions of rule 43 ; or
- (iii) it is not submitted within the period specified in the Act and no cause is shown for the delay ; or
- (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced.

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 43 shall be returned to the appellant and, if re-submitted within one month thereof, after compliance with the said provisions shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

46. *Transmission of appeals.*—The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 45 together with its comments thereon and the relevant records.

47. *Consideration of appeals.*—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 29 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 31 the appellate authority shall consider,—

(a) whether the procedure prescribed in these rules has been complied with and not whether such non-compliance has resulted in violation of any provisions of the constitution or in failure of justice;

(b) whether the findings are justified; and

(c) whether the penalty imposed is excessive, adequate or inadequate; and pass orders,

(i) setting aside, reducing, confirming or enhancing the penalty;

(ii) remitting the case to the authority which imposed the penalty; or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that—

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (a) to (d) of rule 31 and an inquiry under rule 34 has not already been held in the case, the appellate authority shall subject to the provisions of rule 34 itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty pass such orders as it may deem fit.

48. *Implementation of orders in appeal.*—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

49. *Revision*.—(1) Any authority superior to the authority making to order may, *suo motu*, if it considers necessary, revise an order, original or appellate, passed by such lower authority which comes to his notice within a period of one year from the date of the order.

(2) The revising authority may remit, vary or enhance the punishment imposed, or may order a fresh inquiry or the taking of further evidence in the case as it may consider necessary.

(3) The provisions of rule 47 relating to appeals shall apply so far as may be to such orders in revision.

50. *Petitions*.—(1) Any member of the Force may submit a petition in respect of any matter connected with his official position in which his personal interests are involved other than a matter covered by the rules relating to appeals and revision.

(2) Each such member of the Force shall submit a petition solely relating to his individual case.

(3) Joint Petitions of any kind whatsoever shall not be taken notice of and submission of such petitions shall be deemed to be an act of indiscipline.

(4) Such petition shall be in proper form and not couched in improper language and be submitted to the immediate superior even if the petitioner be on leave at the time. A petition submitted in contravention of this rule shall be summarily rejected.

(5) Such immediate superior shall submit it through his immediate superior to the authority competent to dispose it of. A Security Officer or an officer superior to him may withhold any such petition if it is couched in intemperate language, or is otherwise improperly written, in which case he shall inform the petitioner in writing that his petition has been withheld.

(6) In any subsequent petition to the competent authority, the petitioner shall also attach to his petition a copy of the order on his previous petition as communicated to him by his immediate superior officer.

51. *Other methods forbidden*.—The Supervisory officers and members of the Force are forbidden from resorting to any method other than that prescribed in these rules for pressing their claims or for obtaining redress of alleged grievances or reversal of orders. Any such attempt on their part shall be deemed to be an act of indiscipline.

CHAPTER XI

Uniform

52. *Dress regulations*.—Dress regulations prescribing uniform and badges to be worn by supervisory officers and members of the Force shall be framed by the Inspector General with the prior approval of the Central Government.

53. *Issue of uniforms to members of the Force*.—On enlistment to the Force, a free issue of uniform shall be made to each member of the Force and follower according to the scale laid down in the Dress regulations issued under rule 19. Serviceability period shall be fixed for each item of kit. Periodical inspections of kit shall be held by the Chief Security Officers and articles which are no longer fit for use may be condemned and sent to stores for replacement. If the life of a condemned article has expired, it shall be replaced free. If its life has not expired, proportionate cost shall be deducted from the members of the Force concerned, provided that no deduction may be made if the article has

been rendered unserviceable, owing to excessive wear and tear on duty or has been lost through no fault of the member concerned.

54. *Uniform grant to supervisory officers.*—Supervisory officers shall be entitled to uniform grant as indicated below, namely:—

(1) Officers of the Regular Army, Indian Police Service or State police joining the Force on deputation as gazetted officers.—Rs. 200.

(2) Local promotees or directly recruited gazetted officers.—(a) Initial uniform grant of Rs. 900 regulated as under:—

(i) Rs. 450 i. e. half the grant after 3 months continuous officiating or temporary service in the gazetted ranks in the Force and on a certificate from the Inspector General that the Officer concerned is likely to continue a such.

(ii) Rs. 450 representing the balance on completion of three years service as gazetted officer in the Force or on confirmation whichever is earlier subject to the stipulation that the officer concerned if not substantive when the amount becomes due, is certified by the Inspector-General as fit for permanent retention in the Force.

(b) Renewal uniform grant of Rs. 450 at intervals of every five years to be calculated in respect of temporary or officiating gazetted officers from the date they complete three months temporary or officiating service in the Force in a Gazetted post.

(3) State Police or Army officers initially appointed on deputation but subsequently retained permanently in the Force.—(a) Initial uniform grant of Rs. 900 (Rs. 450 initially the amount of Rs. 200 paid to the deputationists being deducted from this amount. The balance of this amount of Rs. 450 being paid after they have completed 3 years service thereafter subject to the stipulation that the officers concerned, if not substantive when the amount becomes due, are certified by the Inspector General as fit for permanent retention in the Force).

(b) Renewal uniform grant of Rs. 450 every five years to be reckoned from the date of confirmation in the Force.

Note.—The uniform grant admissible to the officers mentioned at item (3) shall be subject to the condition that the amounts of initial and renewal grants received by them from the parent departments shall be deducted from the first instalment of Rs. 450 on their being retained permanently in the Force. If the balance arrived at after deducting Rs. 200 and the initial and renewal grant sanctioned by the parent departments is a negative figure it shall be adjusted against the second instalment of Rs. 450 so that the deputationists permanently absorbed in the Force do not in any case get more than Rs. 900 as uniform grant in a period of ten years.

(4) Police or Army (serving) Officers who are received on deputation in the Force but get release or retirement whilst in the Force and are continued in the same rank in the Force.—Rs. 200 if the period of their employment in the Force exceeds one year.

(5) Retired or release officers re-employed in the Force.—Rs. 200 if the period of their re-employment in the Force exceeds one year.

Note 1.—An officer due to retire within two years of the date on which uniform grant falls due shall not be entitled to the said grant.

Note 2.—An officer mentioned in item (2) or item (3) quitting service on resignation or discharged within the period for which the uniform grant is sanctioned shall be liable to refund the proportionate amount of the said grant.

Chapter XII Miscellaneous

55. *Resignation.*—(1) The resignation of a member of the Force shall be accepted only by the officer who has power to make appointments to the rank or post held by such member.

(2) The resignation of a member of the Force who is under trial or whose conduct is under inquiry may be refused.

56. *Discharge certificate.*—Whenever a member of the Force ceases to be such member for any reason whatsoever, a discharge certificate in the form prescribed in the regulations shall be given to him.

57. *Surrender of Certificate of appointment.*—Every member ceasing to be a member of the Force shall surrender to the officer who is his immediate superior, his certificate of appointment which shall thereupon be submitted to the Chief Security Officer.

58. *Re-enlistment.*—A member of the Force who has been dismissed therefrom shall not be re-enlisted. However, a member of the Force who has resigned may be re-enlisted with the sanction of the Deputy Inspector General.

59. *Free Accommodation.*—Normally the undertakings where the force has been deputed, shall provide accommodation in the township itself to all the supervisory officers and at the rate of 45 per cent married and 55 per cent unmarried to the members of the Force. Accommodation to the members of the Force shall be rent free but where such facilities are not available they shall get a house rent allowance in lieu thereof limited to the actual amount of house rent paid by the member concerned subject to a maximum of 10 per cent of pay. When residential accommodation is provided to a member he shall live there subject to such conditions and terms as may be specified by the Managing Director or the General Manager of the Industrial Undertaking.

60. *Medical Facilities.*—As Central Government servants, personnel of the Force are governed by C. S (MA) rules, in which they are working to their employees of similar status.

61. *Leave.*—The supervisory officers and members of the Force shall be governed by the leave rules as are applicable to employees of the Central Government casual and earned leave to the followers and all members of the Force under him shall be granted by the Commandant except that in case of leave of more than thirty days to Inspectors where officiating arrangements are needed, the approval of the Deputy Inspector General shall be taken. Casual leave shall be granted to Security Officers, Chief Security Officers and Deputy Inspector General by Chief Security Officer, Deputy Inspector General and Inspector General respectively. Earned leave to all supervisory officers shall be granted upto 45 days by the Inspector General and for a longer period by the Central Government.

62. *Recall from leave.*—The supervisory officers and members of the Force on leave may be recalled at any time by the authority empowered to sanction their leave. They may be directed to report for duty either at Headquarters or to proceed direct to the place at which their services are required. In either case travelling allowance as on tour (by the shortest route) for the return journey may be allowed to them at the discretion of the authority recalling them from leave.

63. *Free leave pass concession.*—The undermentioned free pass concessions, from the Headquarters of the Force or the place of duty to the Railway Station nearest to his home and return shall be admissible to Head Security Guards, Security Guards, and enrolled followers of the Force:—

- (i) one free leave pass for every three years ;
- (ii) one free leave pass for family every six years ;
- (iii) free leave pass when proceeding on medical leave of duration of not less than one month, provided it is certified that the illness or injury which necessitated medical leave was not brought about by any fault or negligence on the part of the member of the Force concerned.

64. *Benefits on account of 'Risk of Office' / special 'risk of office'.*—In these matters supervisory officer and members of the Force shall be governed by C. C. S. (EOP) Rules as amended from time to time.

65. *Superannuation, etc.*—The rules relating to superannuation pension, provident fund and gratuity of supervisory officers and members of the Force shall be the same as those applicable to the Central Government servants.

66. *Transfers.*—Transfers of supervisory officers shall be made by the Inspector General with the concurrence of the Central Government. Transfers of the members of the Force within a battalion may be made by the Commandant and from one battalion to another in a Zone by the Deputy Inspector General and from one Zone to another by the Deputy Inspector General Headquarters.

67. *Tenure.*—Police officers coming on deputation from States may be on deputation for five years in the first instance. If, however, they are found fit and are willing to continue, their tenure may be extended by another five years or they may be absorbed permanently in the Force.

68. *Non-applicability of rules in certain cases.*—(1) These rules shall not apply to supervisory officers or members of the force taken on deputation from other services who shall continue to be governed by their own rules, nor to officers taken on contract who shall be governed by the conditions of their contract.

(2) Nothing in these rules shall be deemed to preclude the President—

(a) from making any appointments to the force which he may consider necessary, or

(b) from passing any order or revising, whether on his own motion or otherwise, any order passed under these rules by any subordinate authority.

69. *Ministerial staff.*—(1) In view of the strictly confidential and technical nature of work which the Ministerial staff will be required to handle, the force shall have a Ministerial cadre of its own, though in the initial stages persons may be taken on deputation also. The ranks of the cadre shall be:

- (i) Superintendents
- (ii) Assistants
- (iii) Stenographers
- (iv) Senior Clerks
- (v) Clerks-cum-typists

(2) Direct recruitment on the basis of written tests shall be made by Departmental Committee appointed by the Inspector General for the posts of Assistants, Stenographers and Clerks. The rest of the posts may be filled by promotion in accordance with the rules and procedure laid down in the Office Manual prepared by the Inspector General with the approval of the Central Government.

Published in the *Gazette of India*, Part II-Section 3(ii), No. 49, dated December 6, 1969/Agrahayana 15, 1891.

MINISTRY OF LABOUR EMPLOYMENT AND REHABILITATION

S. O. 4852/IDRA/18G/67.—New Delhi, the 25th November, 1969.—In exercise of the powers conferred by section 18G and section 25 of the Industrial (Development and Regulation) Act, 1951 (85 of 1951) and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order further to amend the Cement Control Order 1957, namely,

1. (1) This Order may be called the **Cement Control (Fourth Amendment) Order, 1969**.

(2) It shall be deemed to have come into force with effect from the 16th April, 1969.

2. In the Schedule to the Cement Control Order, 1967, the following shall be added at the end, namely :—

“In the case of clinker moved by sea from Sikka to Bombay, payment of wharfage charges paid at Sikka may also be allowed.”

Published in the *Gazette of India*, Part II-Sec. 3(ii), No. 34, dated January 24, 1970/Magha 4, 1891.

MINISTRY OF FINANCE

S. O. 253.—New Delhi, the 24th January, 1970.—In exercise of the powers conferred by section 2B of the **Foreign Exchange Regulation, Act, 1947** (7 of 1947), the Central Government hereby authorises every officer of Enforcement not below the rank of Assistant Director of Enforcement to exercise the powers and discharge the duties of the Director of Enforcement under sub-section (1) of section 191 of the said Act.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 5, dated January 12, 1970/Pausa 22, 1891.

MINISTRY OF HOME AFFAIRS

G. S. R. 74.—New Delhi, the 12th January, 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Assam Reorganisation (Meghalaya) Act, 1969** (55 of 1969), the Central Government hereby appoints the 12th day of January, 1970 as the date on which the provisions of section 2 and 3 of the said Act shall come into force.

G. S. R. 75.—In exercise of the powers conferred by clause (a) of section 2 of the **Assam Reorganisation (Meghalaya) Act, 1969** (55 of 1969), the Central Government hereby appoints the 2nd day of April 1970 as the date for the formation of the autonomous State of Meghalaya.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 17, dated January 12, 1970/Pausa 22, 1891.

CENTRAL BOARD OF DIRECT TAXES

S. O. 152.—New Delhi, the 9th January, 1970.—In exercise of the powers conferred by section 295 of the **Income-tax Act, 1961** (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the **Income tax Rules, 1962**, namely :—

1. (1) These rules may be called the **Income-tax (Amendment) Rules, 1970**.

(2) They shall come into force on the 1st day of April, 1970.

2. In Appendix II to the **Income-tax Rules, 1962**, —

(1) in Form No. 1,—

(a) in Part II, for items 8 and 9, the following items shall be substituted, namely :—

“8. Royalties etc. received by an Indian company :

(a) from certain persons carrying on business in India (Sec. 80MM).

(b) from certain foreign companies (Sec. 80-O).

9. Dividends received by Indian company from certain foreign companies (Sec. 80N)” ;

(b) below the Table in Part V, the following Note shall be inserted, namely :—

‘Note.—If the aggregate of the tax deducted at source and advance tax paid as shown in Part V falls short of the tax chargeable on the total income in Part I by more than Rs. 500, the amount of the net tax due should be paid to the credit of the Central Government within 30 days of the furnishing this return. The payment may be made either directly into the Reserve Bank of India/State Bank of India/Treasury/Sub-Treasury on an appropriate challan, or a crossed cheque for the amount may be drawn payable to the “Income-tax Department” and delivered, together with an appropriate challan for the same amount, at the counter of the Income-tax Office.

Failure to pay the net tax due on the total income within 30 days of furnishing this return will entail the levy of a penalty up to 50 per cent of such tax.” ;

(c) after part VII, in the ‘Verification’, for the second paragraph, the following paragraph shall be substituted, namely :—

“I further solemnly declare that no other income accrued or arose to or was received by the company during the said previous years from any asset either in its own name or in the name of any other person and that the company had, during the said previous years, no other source of income.” ;

(2) in Form No. 2,—

(a) under the heading “for resident individuals only”, for the words “Whether married Yes/No”, the following words shall be substituted, namely :—

“whether married	Yes/No.
Whether the spouse has taxable income	Yes/No.

(b) in Part II, items 13, 14, 15 and 16 shall be renumbered respectively as items 14, 15, 16 and 17, and before item 14 as so renumbered; the following item shall be inserted, namely :—

“13. Professional income from foreign sources in the case of an author, play-wright, artist, etc. (Sec. 80RR)” ;

(c) below the Table in Part V, the following Note shall be inserted, namely :—

‘Note.—If the aggregate of the tax deducted at source and advance tax paid as shown in Part V falls short of the tax chargeable on the total income in Part I by more than Rs. 500 the amount of the net tax due should be paid to the credit of the Central Government within 30 days of furnishing this return. The payment may be made either directly into the Reserve Bank of India/State Bank of India/Treasury/Sub-Treasury on an appropriate challan, or a crossed cheque for the amount may be drawn payable to the “Income-tax Department” and delivered, together with an appropriate challan for the same amount, at the counter of the Income-tax Office.

Failure to pay the net tax due on the total income within 30 days of furnishing this return will entail the levy of a penalty up to 50 per cent of such tax ;

(d) after Part VI, in the 'Verification' for the second paragraph, the following paragraph shall be substituted, namely :—

"I further solemnly declare that no other income accrued or arose to or was received by me/the family/the firm/the co operative society/the association of persons/the body of individuals/the local authority/... during the said previous years from any asset either in my/its/ s own name or in the name of any other person, and that I/the family/the firm/the co-operative society/the association/the body of individuals/the local authority/.....had, during the said previous years, no other source of income." ;

(3) in Form 3,

(a) under the heading "for Resident individuals only", for the words "Whether married Yes/No.", the following words shall be substituted, namely :—

"Whether married	Yes/No.
Whether the spouse has taxable income	Yes/No." ;

(b) below the Table in Part V, the following Note shall be inserted, namely.—

"Note.—If the aggregate of the tax deducted at source and advance tax paid as shown in Part V falls short of the tax chargeable on the total income in Part I by more than Rs. 500, the amount of the net tax due should be paid to the credit of the Central Government within 30 days of furnishing this return. The payment may be made either directly into the Reserve Bank of India/State Bank of India/Treasury/Sub-Treasury on an appropriate challan, or a crossed cheque for the amount may be drawn payable to the "Income-tax Department" and delivered, together with an appropriate challan for the same amount, at the counter of the Income tax Office.

Failure to pay the net tax due on the total income within 30 days of furnishing this return will entail the levy of a penalty up to 50 per cent. of such tax ;

(c) after Part VI, in the 'Verification', for the second paragraph the following paragraph shall be substituted, namely :—

"I further solemnly declare that no other income accrued or arose to or was received by me/the family/the firm/the association of persons/the body of individuals/... during the said previous years from any asset either in my/its/ s own name or in the name of any other person, and that I/the family/the firm/the association/the body of individuals/... had, during the said previous years, no other source of income."

Published in the *Gazette of India* Ext., Part II-Sec. 3 (ii), No. 14,
dated January 9, 1970/Pusa 19, 1851.

MINISTRY OF LAW

S O. 155 —New Delhi, the 9th January 1970 —In exercise of the powers conferred by section 169 of the Representation of the people Act, 1951 (43 of 1951), read with sub section (1) of section 6 of the Madras State (Alteration of Name) Act, 1968 (53 of 1968), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely.—

1 (1) These rules may be called the **Conduct of Elections (Amendment, Rules, 1970)**.

(2) They shall be deemed to have come into force on the 14th January, 1969.

2. In the Table under sub-rule (2) of rule 90 of the Conduct of Elections Rules, 1961, under the heading 'State', for the entry "Madras", the entry "Tamil Nadu" shall be substituted.

Explanatory Memorandum

The amendment is consequent upon the alteration of the name of the State of Madras into Tamil Nadu with effect from the 14th January, 1969.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 3,
dated January 7, 1970/Pausa 17, 1891.

MINISTRY OF LAW

G. S. K. 72—New Delhi, the 7th January, 1970 —In exercise of the powers conferred by sub-section (2) of section 1 of the **Punjab Legislative Council (Abolition) Act, 1969** (46 of 1969), the Central Government hereby appoints the 7th day of January, 1970, as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 405,
dated December 23, 1969/Pausa 2, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION.

S. O. 5050.—New Delhi, the 19th December, 1969 —In exercise of the powers conferred by section 8 of the **Seeds Act, 1966** (54 of 1966), the Central Government in consultation with the State Government of Rajasthan hereby appoints the National Seeds Corporation as a Certification Agency for the State of Rajasthan upto 31st March, 1970.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 13,
dated January 30, 1970/Magha 10, 1891.

MINISTRY OF HOME AFFAIRS

G. S. R. 182.—New Delhi, the 30th January, 1970.—In exercise of the powers conferred by sub-section (2), of section 1 of the **Assam Reorganisation (Meghalaya) Act, 1969** (55 of 1969), the Central Government hereby appoints the 30th day of January, 1970, as the date on which the provisions of sections 11, 12, 13, 16, 17, 28, 29, 62, 73 and 77 of the said Act shall come into force.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 36,
dated January 29 1970/Magha 9, 1891.

MINISTRY OF HOME AFFAIRS

S. O. 384.—New Delhi, the 29th January, 1970 —In exercise of the powers conferred by sub-section (3) of section 1 of the **Union Territories (Separation of Judicial and Executive Functions) Act, 1969** (19 of 1969), the Central Government hereby appoints the 1st day of March, 1970, as the date on which the said Act shall come into force in all areas of the Union territory of Laccadive, Minicoy and Amindivi Islands.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 40,
dated February 3, 1970/Magha 14, 1891.

MINISTRY OF HOME AFFAIRS

S. O. 473.—New Delhi, the 3rd February, 1970:—In exercise of the

powers conferred by section 21 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) the Central Government hereby makes the following rules to amend the Unlawful Activities (Prevention) Rules, 1968, namely :

1. These rules may be called the **Unlawful Activities (Prevention) Amendment Rules, 1970**.

2. In rule 3 of the Unlawful Activities (Prevention) Rules, 1968, for sub-rule (2) the following sub-rule shall be substituted namely :—

“(2) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), where any books of account or other documents have been produced before the Tribunal or the Court of the District Judge by the Central Government and such books of account or other documents are claimed by that Government to be of a confidential nature then, the Tribunal or the Court of the District Judge, as the case may be, shall not,—

(a) make such books of account or other documents a part of the records, of the proceedings before it ; or

(b) allow inspection of, or grant a copy of, the whole of or any extract from, such books of account or other documents by or to any person other than a party to the proceedings before it”.

Published in the *Gazette of India*, Part II—Sec. 3(ii). No. 10, dated March 7, 1970/Phalguna 16, 1891.

MINISTRY OF HOME AFFAIRS

S. O. 841.—New Delhi, the 26th February, 1970.—In exercise of the powers conferred by sub-section(2) of section 1 of the **Official Languages Act, 1963** (19 of 1963), the Central Government hereby appoints the 7th day of March, 1970, as the date on which the provisions of section 7 of the said Act shall come into force.

S. O. 842 —New Delhi, the 26th February, 1970.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure 1898 (5 of 1898), the Central Government hereby appoints the officers of the **Delhi Special Police Establishment** mentioned in column (3) of the table below who are attached to the branch offices specified in column (2) thereof as Public Prosecutors under that sub-section to conduct cases of the Special Police Establishment before the courts of Magistrates, Special Judges and Sessions Judges in the areas specified against each of them in column (4) of the said Table.

TABLE

Serial No.	Name of the Branch Office	Designation of Officers	Territorial jurisdiction
1	2	3	4
1	Bombay	Deputy Legal Adviser	The States of Gujarat, Maharashtra and Madhya Pradesh and Union Territories of Goa, Daman and Diu, Dadra and Nagar Haveli.
2	Calcutta	Deputy Legal Adviser	The States of West Bengal, Assam, Nagaland, Bihar, and Orissa and the Union Territories of Manipur, Tripura and Andaman and Nicobar Islands.

COLLECTORATE OF CENTRAL EXCISE, POONA

S. O. 855.—Poona, the 30th January, 1970.—In exercise of the powers conferred on me by Rule 5 of the **Central Excise Rules, 1944**, I hereby empower all the officers of the rank of "Assistant Collector of Central Excise" to exercise within their respective jurisdictions, the powers of "Collector" under Rule 178L of the said Rules.

CENTRAL EXCISE COLLECTORATE

S. O. 861.—Delhi, the 24th February 1970.—In pursuance of Rule 5 of the **Central Excise Rules, 1944**, I, Collector of Central Excise, Delhi, hereby authorise the Central Excise Officers of the Central Excise Collectorate, Delhi, of and above the rank of Assistant Collectors, to exercise within their respective jurisdictions, the powers of Collector under Rule 173L of the Central Excise Rules, 1944.

Published in the *Gazette of India*, Ext., Part II Section 3 (ii),
No. 4, dated January 2, 1970/Pausa 12, 1891

MINISTRY OF FOREIGN TRADE

S. O. 53.—New Delhi, the 2nd January, 1970.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely:—

1. This Order may be called the **Exports (Control) First Amendment Order, 1970**.

2. In Part "A" of Schedule I, the existing item No. 25 shall be substituted by the following:—

"25. Carpet yarn manufactured from imported wool."

3. In the Exports (Control) Order, 1968, in Part "B" of Schedule I, after item No. 58, the following item shall be added:—

"59. Yarn, other than carpet yarn, manufactured from imported wool."

Published in the *Gazette of India*, Ext., Part II Section 3(ii),
No. 7, dated January 5, 1970/Pausa 15, 1891

MINISTRY OF FOREIGN TRADE

S. O. 138.—New Delhi, the 5th January 1970.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947) the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely:—

1. This Order may be called the **Exports (Control) Second Amendment Order, 1970**.

2. In the Exports (Control) Order, 1968, in Schedule I, Part A, the existing entry against item No. 20, i. e. "Sheep and Goat" shall be deleted.

Published in the *Gazette of India* Ext., Part II Section 3(ii), No. 6,
dated January 6, 1970/Pausa 16, 1891

MINISTRY OF FOREIGN TRADE

S. O. 137.—New Delhi, the 6th January 1970.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968; namely:—

1. This Order may be called the **Exports (Control) Third Amendment Order, 1970**.

2. In the Exports (Control) Order, 1968, in Schedule I, Part A, the existing entry against item No. 17, i. e. "Molasses" shall be deleted.

3. In the Exports (Control) Order, 1968, in Schedule I, Part B, after item No. 59, the following item shall be added:—

"60. Molasses."

Published in the *Gazette of India*, Ext., Part II-Sec. 3 (ii), No. 54,
dated February 19, 1970/Magha 30, 1891.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

S. O. 712 —New Delhi, the 19th February, 1970.—In exercise of the powers conferred by section 4 of the **Agricultural Produce Cess Act, 1940** (27 of 1940), the Central Government, after consultation with the Indian Council of Agricultural Research, hereby directs that the Wheat flour, one of the articles specified in the Schedule to the said Act, shall cease to be subject to the duty imposed by section 3 of the said Act for the period from the 16th February, 1970 to the 31st March, 1970.

Published in the *Gazette of India*, Ext., Part II Sec. 3(ii), No. 67,
dated February 27, 1970/Phalgun 8, 1891.

MINISTRY OF SHIPPING AND TRANSPORT

S. O. 829 —New Delhi, the 27th February, 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Motor Vehicles (Amendment) Act, 1969** (56 of 1969), the Central Government hereby appoints 2nd day of March, 1970, as the date on which the provisions other than those contained in sections 9 and 13, clause (a) of section 16, clause (b) of section 17, clause (e) of section 29, sections 33, 34, 36 and 37, sub-clause (i) of clause (a) of section 41, sections 44, 45, 56, 76 and 82 of the said Act shall come into force.

Published in the *Gazette of India*, Part II-Sec. 3(i), No. 13, dated
March 21, 1970/Phalgun 30, 1891.

G. S. R. 461.—New Delhi, the 7th March, 1970 —In exercise of the powers conferred by sub-section (3) of section 1 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Central Government hereby appoints the 1st day of April, 1970, as the date on which the said Act shall come into force in the whole of the following States and Union Territories, namely :—

STATES

- | | |
|--------------------|--------------------|
| 1. Andhra Pradesh. | 8. Mysore. |
| 2. Bihar. | 9. Orissa. |
| 3. Gujarat. | 10. Punjab. |
| 4. Haryana. | 11. Rajasthan. |
| 5. Kerala. | 12. Tamil Nadu. |
| 6. Madhya Pradesh. | 13. Uttar Pradesh. |
| 7. Maharashtra. | |

UNION TERRITORIES.

1. Chandigarh.
2. Dadra and Nagar Haveli.
3. Himachal Pradesh.
4. Laccadive, Minicoy and Amindivi Islands.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

G.S.R: 466.—New Delhi, the 2nd March, 1970.—In exercise of the powers conferred by section 30 of the **Minimum Wages Act, 1948** (11 of 1948), the Central Government hereby makes the following rules further to amend the **Minimum Wages (Central) Rules, 1950**, the same having been previously published as required by sub-section (1) of the said section, namely :—

1. These rules may be called the **Minimum Wages (Central) Amendment Rules, 1969**.

2. In rule 18 of the Minimum Wages (Central) Rules, 1950, after sub-rule (4), the following sub-rule shall be inserted, namely :—

“(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of a summons issued under sub-rule (1) may be inspected by the Chairman and independent members, and also by such parties as the Chairman may allow with the consent of the other party, but the information so obtained shall be treated as ‘confidential’ and the same shall be made public only with the consent in writing of the party concerned :

Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Indian Penal Code (45 of 1860)”.

Published in the *Gazette of India*, Ext. Part II-Sec. 3(ii), No. 22, dated February 12, 1970/Magha 23, 1891

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S R. 233 —New Delhi, the 12th February, 1970—In exercise of the powers conferred by section 8 of the Essential Commodities Act, 1955 (10 of 1955), and in supersession of the Foodgrains Movement Restrictions (Exemption of Certified Seeds) Order 1966, the Central Government hereby makes the following Order, namely :—

1. *Short title and commencement*—(1) This Order may be called the **Foodgrains Movement Restrictions (Exemption of Seeds) Order, 1970.**

(2) It shall come into force at once.

2. *Definitions*.—In this Order, unless the context otherwise requires,—

(1) “Seeds” means seeds of foodgrains.

(2) “Certified Seeds” means seeds certified as such under section 9 of the Seeds Act, 1966 (54 of 1966) (hereinafter referred to as the said Act) by the Certifying Agency notified under section 8 of the said Act.

(3) “Notified kind or variety”, in relation to any seed means any kind or variety notified under section 5 of the said Act.

3. *Exemption of Certified/Truthfully labelled ‘notified’ seeds from movement restrictions*—Nothing contained in any Order imposing restrictions on the movement of foodgrains (including seeds thereof) issued by the Central Government or a State Government shall apply to the movement or transportation by any person, of seeds of notified kinds or varieties certified or truthfully labelled under the provisions of the said Act and the rules made thereunder:

Provided that such movement or transportation of notified kinds or varieties of seeds shall take place only in sealed packs, containers or bags duly labelled in accordance with the provisions of the said Act and the rules made thereunder each containing not more than 50 kilograms of seeds.

4. *Power of the Central Government and State Governments to allow movement of seeds other than of certified or notified kinds or varieties*.—Notwithstanding anything contained in any Order issued by the Central Government or a State Government or anything contained in clause 3 of this Order, the Central Government or a State Government, with the approval of the Central Government may by an Order in writing, permit the movement of any seeds (not being of the notified kinds or varieties) subject to such restrictions and conditions as to the quantity, period, place of despatch, method of packing or labelling and destination station, as may be specified in the Order:

Provided that the seeds in question are moved in sealed packs, containers or bags, not exceeding 50 kilograms in weight, duly labelled to show the contents thereof and are chemically treated and are also unfit for human consumption.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 412,
dated December 30, 1969/Pausa 9, 1891,

MINISTRY OF FOREIGN TRADE

S.O. 5059.—New Delhi, the 30th December 1969.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely:—

1. This Order may be called the **Exports (Control) Twenty-second Amendment Order 1969**.

2. In the Exports (Control) Order, 1968, in Schedule I, Part B, after sub-item 1(iii)(u) of item No. 1, the following sub-item shall be added:—

“(v) All types of Lizards, viz., *Varanus Monitor* (Common Lizard), *Varanus Griseus* (Agra Lizard), and *Varanus Flavescens* (Yellow oval-spotted Lizard), but excluding Water Lizards.”

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 11,
dated March 14, 1970/Phalgun 23, 1891.

MINISTRY OF FOREIGN TRADE

G.S.R. 429.—New Delhi, the 28th February 1970.—In exercise of the powers conferred by sub-sections (3) and (5) of section 30 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following Order further to amend the Tea (Distribution and Export) Control Order 1957, namely:

1. (1) This order may be called the **Tea (Distribution and Export) Control (Amendment) Order, 1970**.

(2) It shall come into force on the date of its publication in the official Gazette.

2. In the Tea (Distribution and Export) Control Order, 1957, after clause 10, the following clause shall be inserted, namely:—

“10-A *Certain provisions of clause 10 not to apply*.—Nothing contained in sub-clause (b) and sub-clause (c) of clause 10 shall apply to the export of such consignments of tea in bulk in containers made of packing materials (Other than plywood) as agreed upon by the exporter and the foreign buyer and specifically authorised by the Chairman.”

MINISTRY OF FOOD AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 438.—New Delhi the 5th March 1970.—In exercise of the powers conferred by section 41 of the Warehousing Corporations Act, 1962 (58 of 1962), the Central Government hereby makes the following rules further to amend the Central Warehousing Corporation Rules, 1963, namely:—

1. These rules may be called the **Central Warehousing Corporation (Amendment) Rules, 1970**.

2. In the Central Warehousing Corporation Rules, 1963, for rule 14, the following rule shall be substituted, namely:—

"14. *Appointment of Financial Adviser and Manager (Accounts).*—The Board shall appoint a Financial Adviser and Manager (Accounts) to advise the Corporation on all matters relating to revenue and expenditure."

Published in the *Gazette of India* Part II-sec. 3 (i) No. 1 dated January, 3, 1970/Pausa 13 1891.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL
TRADE AND COMPANY AFFAIRS

G. S. R. 23.—New Delhi the 26th December, 1969.—In exercise of the powers conferred by sub-section (1) of Section 642, read with sub-section (5) of Section 10E of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following rules further to amend the Company Law Board (Procedure) Rules, 1964, namely:—

2. These rules may be called the **Company Law Board (Procedure) Amendment Rules, 1970**

2. To rule 3B of the Company Law Board (Procedure) Rules, 1964, the following proviso shall be added, namely:—

"Provided that where oral representations are to be heard by the Board under rule 3F, one member personally present shall be sufficient to constitute the quorum."

Published in the *Gazette of India*, Part II, Sec. 3(i), No 1, dated January 3, 1970 Pausa 13, 1891 No.1

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

G.S R.11.—New Delhi The 18th December 1969 —In exercise of the powers conferred by Section 40 of the Displaced Persons, (Compensation and Rehabilitation) Act, 1954 (4+ of 1954), the Central Government hereby makes the following rules further to amend the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, namely:—

1. (i) These rules may be called the **Displaced Persons (Compensation and Rehabilitation) Amendment Rules 1969.**

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, in sub rule (2) of rule 17, after proviso two, the following proviso shall be added; namely:—

"Provided further that where cash upto Rs. 2,000/- has already been paid under proviso two and subsequently on enhancement of the claim etc., additional compensation becomes payable and is within the range of Rs. 2,000/-, cash may be paid upto Rs. 2,000/- toward additional compensation notwithstanding the earlier cash payment, etc."

G.S R. 12.—New Delhi, the 22nd December 1969.—In exercise of the powers conferred by section 5 read with sub-section (1) of section 7 of the Employees' Provident Funds Act 1952 (19 of 1952) the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely:—

1. 1 This Scheme may be called **Employees provided Funds (Sixth Amendment) Scheme, 1969.**

2. In the Employees' Provident Funds Scheme, 1952, in clause (kkk) of paragraph 2' for the words "or a coffee curing establishment", the words "a coffee curing establishment, a fireclay mine or a gypsum mine". shall be substituted.

Published in the *Gazette of India*, Ext. Part II Section 3 (ii),
No 11, dated January 8, 1970/Pausa 18, 1871.

MINISTRY OF FINANCE

S O. 142.—New Delhi, the 7th January 1970.—Whereas certain difficulties have arisen in giving effect to the provisions of the Income-tax Act, 1961 (43 of 1961), the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu.

Now, therefore, in exercise of the powers conferred by section 7 of the **Taxation Laws (Extension to Union Territories) Regulation, 1963** (3 of 1963), the Central Government hereby makes the following Order, namely:—

1. *Short title*—This Order may be called the **Taxation Laws (Extension to Union Territories) (Removal of Difficulties) Order, 1970**.

2. *Rebate or deduction in respect of life insurance premia, etc*—(1) In making an assessment under the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Income-tax Act), the following provisions shall apply in the case of an assessee, being an association of persons or a body of individuals consisting only of a husband and wife governed by the system of community of property in force in the union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, namely:—

(a) where the assessment relates to the assessment year commencing on the 1st day of April, 1963 or the 1st day of April, 1964, the provisions of section 87 of the Income-tax Act, as that section stood before it was repealed by Act 20 of 1967, shall be deemed to have applied in relation to the sums specified in sub-paragraph (2) of this paragraph in the same manner as they had applied in relation to the sums referred to in sub clause (i) or sub-clause (ii) of clause (a), or clause (f), of sub-section (1) of that section in the case of an individual;

(b) where the assessment relates to the assessment year commencing on the 1st day of April, 1964, the provisions of section 94A of the Income-tax Act, as that section stood before it was repealed by Act 10 of 1965, shall be deemed to have applied in relation to the sums specified in sub-paragraph (2) of this paragraph in the same manner as they applied in relation to the sums referred to in sub clause (i) or sub clause (ii) of clause (a), or clause (f), of sub-section (1) of section 87 of the Income-tax Act as that section stood before it was repealed by Act 20 of 1967, in the case of an individual;

(c) where the assessment relates to the assessment year commencing on the 1st day of April, 1965, the 1st day of April, 1966 or the 1st day of April, 1967, the provisions of section 80A of the Income-tax Act, as that section stood at the relevant time, shall be deemed to have applied in relation to the sums specified in sub-paragraph (2) of this paragraph in the same manner as they had applied in relation to the sums referred to in sub-clause (i) or sub-clause (ii) of clause (a) or clause (f) of sub section (2) of that section in the case of an individual;

(d) where the assessment relates to the assessment year commencing on the 1st day of April, 1968 or the 1st day of April 1969 or the 1st day of April, 1970, provisions of section 80C of the Income-tax Act, shall apply in relation to the sums specified in sub-paragraph (2) of this paragraph, in the same manner as they apply in relation to the sums referred to in sub-clause (i), or sub clause (ii) or sub-clause (iv) of clause (a), or clause (f), of sub-section (2) of that section in the case of an individual.

(2) The sums referred to in sub-paragraph (1) of this paragraph shall be the following, namely:—

(a) any sums paid in the previous year by the assessee, being an association of persons or body of individuals referred to in that sub-paragraph, out of its income chargeable to tax—

(i) to effect or to keep in force an insurance on the life of any member of such association or body, and, where the assessment relates to the assessment year commencing on the 1st day of April, 1970, also the sums paid to effect or to keep in force an insurance on the life of child of any of the members of such association or body; or

(ii) to effect or to keep in force a contract for a deferred annuity on the life of any member of such association or body and, where the assessment relates to the assessment year commencing on the 1st day of April 1970 also the sums paid to effect or to keep in force a contract for a deferred annuity on the life of any child of any of the members of such association or body; or

(iii) where the assessment relates to the assessment year commencing on the 1st day of April, 1969, or the 1st day of April 1970, as a contribution to any provident fund set up by the Central Government and notified by it in the Official Gazette for the purposes of sub-clause (iv) of clause (a) of sub-section (2) of section 80C of the Income Tax Act ;

(b) any sums deposited, in the previous year by such association or body out of its income chargeable to tax, in a ten year account or a fifteen year account under the Post Office Saving Bank (Cumulative Time Deposits) Rules, 1959, as amended from time to time.

Published in the *Gazette of India* Ext. Part II Section 3(i),
No. 59, dated March 24, 1970/Chaitra 3, 1892

MINISTRY OF HOME AFFAIRS

G. S. R. 493.—New Delhi, the 24th March 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Assam Re-organisation (Meghalaya) Act, 1969** (55 of 1969), the Central Government hereby appoints the 2nd day of April, 1970, as the date on which all the provisions of the said Act (other than those which have already been brought into force) shall come into force.

Published in the *Gazette of India* Ext., Part II Section 3(i)
No. 60, dated March 25, 1970/Chaitra 4, 1892.

MINISTRY OF HOME AFFAIRS

G. S. R. 514.—New Delhi, the 21st March 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Registration of Births and Deaths Act, 1969**, the Central Government hereby appoints the 1st day of April, 1970, as the date on which the said Act shall come into force in the following areas, namely :—

1. The whole State of Assam except :—

(i) the district of United Khasi and Jaintia Hills excluding the areas comprised within the limits of :

(a) Municipality of Shillong

(b) Cantonment of Shillong

(ii) the entire district of Garo Hills

(iii) the entire district of United Mikir and North Cachar Hills

(iv) the entire district of Mizo Hills

2. The whole of the State of West Bengal except :

(i) the area comprised within the limits of the Corporation of Calcutta ;

(ii) the area comprised within the limits of Howrah Municipality ;

- (iii) Fort William ; and
- (iv) the area comprised within the limits of the cantonments of Barrackpore, Labong and Jalapahar.

Published in the *Gazette of India*, Ext., Part II Section 3 (ii),
No. 90, dated March 12, 1970/Phalguna 21, 1891

MINISTRY OF LAW

S. O. 1033.—New Delhi, the 12th March 1970.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (43 of 1950), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Registration of Electors Rules, 1960, namely :—

1. *Short title*.—These rules may be called the **Registration of Electors (Amendment) Rules, 1970**.

2. *Amendment of Rule 22*.—In rule 22 of the Registration of Electors Rules, 1960, after sub-rule (2), the following sub-rule shall be inserted, namely :—

“(3) Where the roll (hereinafter in this sub-rule referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (2), the Registration Officer may, for the convenience of all concerned integrate, subject to any general or special directions issued by the Election Commission in this behalf, the list into the basic roll by including the names of electors in the list together with all particulars relating to such electors in the relevant parts of the basic roll itself, so however that no change shall be made in the process such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments.”

Published in the *Gazette of India*, Ext., Part II Section 3 (ii)
No. 410, dated December 22, 1969/Pausa 8, 1891.

CENTRAL BOARD OF DIRECT TAXES

S. O. 5056.—New Delhi, the 29th December, 1969.—In exercise of the powers conferred by section 29 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the **Income-tax (Sixth Amendment) Rules, 1969**.

(2) They shall come into force on the 1st day of April, 1970.

2. In rule 5 of the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) Subject to the provisions of sub-rules (2) and (3), the allowance under clause (i) or clause (ii) of sub-section (1) of section 32 in respect of depreciation of buildings, machinery, plant or furniture shall be calculated at the percentages specified in the second column of the Table in Part I of Appendix I to these rules on the actual cost or, as the case may be, the written down value of such of the assets aforesaid as are used for the purposes of the business or profession of the assessee at any time during the previous year :

Provided that in a case where the assessee has been allowed to vary the meaning of the expression “previous year” in respect of any business or profession under sub-section (4) of section 3 and, thereby, his income from such business or profession for a period of thirteen months or more is included in his total income of any previous year, the allowance referred to in this sub-rule, calculated in the manner stated hereinabove, shall be increased by multiplying it by a fraction of which

the numerator is the number of complete months in such previous year and the denominator is twelve.

3. In Appendix I to the principal rules, for Part I, the following shall be substituted, namely :—

Part I

(See rule 5)

Table of rates at which depreciation is admissible

Class of asset	Depreciation allowance as percentage of— (i) actual cost in the case of ocean going ships; (ii) written down value in the case of any other asset.	Remarks
1	2	3
I. Buildings.		
1. First class substantial buildings of selected materials	2.5	} Double these rates will be taken for factory buildings excluding offices godowns, officers and employees' quarters.
2. Second class buildings of less substantial construction	5	
3. Third class buildings of construction inferior to that of second class buildings but not including purely temporary erections	7.5	
4. Purely temporary erections such as wooden structures,	1.00	
II. Furniture and fittings—		
1. General rate	10	
2. Rate for furniture and fittings used in hotels ; restaurants and boarding houses ; schools, colleges and other educational institutions, libraries ; welfare centres ; meeting halls ; cinema houses, theaters and circuses ; and for furniture and fittings let out on hire for use on the occasion of marriages and similar functions.	15	
II. Machinery and plant (not being a ship)		
(i) General rate applicable to machinery and plant (not being a ship) for which no special rate has been prescribed under item (i) hereinbelow	10	
(ii) Special rates :		
A. (1) Hydraulic works, pipelines and sluices (N.E.S.A.)	} 5	
(2) Overhead cables and wires (N.E.S.A.)		
(3) Salt Works—Reservoir, Condensers, Salt Pans, delivery channels and piers, if constructed of masonry, concrete, cement asphalt or similar materials (N.E.S.A.)		

1	2	3
B. (1) Accounting machines (N.E.S.A.) (2) Air Conditioning Machinery including room air conditioners (N.E.S.A.) (3) Artificial Silk Manufacturing Machinery and Plant except wooden parts. (4) Building Contractor's Machinery (N.E.S.A.) (5) Brick and Tile Manufacture—wooden shelves and pallets. (6) Calculating machines (N.E.S.A.) (7) Machinery and plant coming into contact with corrosive chemicals. 8. Machine Tools— (a) Automatic and semi-automatic; (b) Precision machine tools, e.g., grinding machines (9) Mineral oil concerns—filled operation (Distribution)—Kerbside pumps including under-ground tanks and fittings (N.E.S.A.) (10) Mines and Quarries—Surface and underground machinery (other than electrical machinery, boilers and portable underground machinery), head-gear, moving parts and rails (N.E.S.A.) (11) Neo-post Franking Machines (N.E.S.A.) (12) Office Machinery (N.E.S.A.) (13) Refrigeration Plant Containers etc, (other than racks). (N.E.S.A.) (14) Road making plant and machinery. (15) Ropeway structures—Carriers. (16) Rubber and Plastic goods factories—General machinery and plant. (17) Salt works—Machinery, plant, locomotives, wagons and rolling stock. (18) Sewing and knitting machines employed in the manufacture of Hosiery and woollen goods. (19) Sewing and stitching machines for canvas or leather. (20) Surgical instruments (N.E.S.A.) (21) Teafactories—General machinery and plant including rollers and driers. (22) Tramways Electric and tramways run by internal combustion engines—Permanent way exceeding 1,25,000 carkilometers per kilometer of track per annum (N.E.S.A.) (23) Typewriters (N.E.S.A.) (24) Wireless apparatus and gear, wireless appliances and accessories (N.E.S.A.)	15	
C. (1) Cinematograph films—Machinery used in the production and exhibition of cinemateograph films (N.E.S.A.)— (a) Recording equipment, reproducing equipment, developing machines, printing machines, editing		

1	2	3
machines, synchronisers and studio lights except bulbs. (b) Projecting equipment of film exhibiting concerns.		
(2) Cycles (N.E.S.A.)		
(3) Data processing machines including computers (N.E.S.A.)		
(4) Electrical machinery—Batteries; X-ray and Electrotherapeutic apparatus and accessories thereto (N.E.S.A.)	20	
(5) Glass manufacturing concerns except Direct Fire Glass Melting Furnaces—Recuperative and Regenerative Glass Melting Furnaces.		
(6) Juice boiling pans (Karhais) (N.E.S.A.)		
(7) Motorcars, motorcycles, scooters and other mopeds (N.E.S.A.)		
(8) Sugar Canecrushers (indigenous Kolbus and Belans) (N.E.S.A.)		
D. (1) Aeroplanes—Aircraft, Aerial photogrammetric apparatus (N.F.S.A.).		
(2) Concrete Pipes manufacture—Moulds (N.E.S.A.)		
(3) Drum Container manufacture—Dies (N.E.S.A.)		
(4) Earth moving, machinery employed in heavy construction works, such as dams, tunnels, canals etc. (N.E.S.A.)		
(5) Glass manufacturing concerns except Direct Fire Glass Melting Furnaces—Moulds (N.E.S.A.)		
(6) Moulds in Iron Foundries (N.E.S.A.)		
(7) Mineral oil concerns—Field operations (above grounds—Portable boilers, drilling tools, wellhead tanks, rigs etc. (N.E.S.A.)		
(8) Mines and quarries—Portable underground machinery and earth moving machinery used in open cast mining (N.E.S.A.)	30	
(9) Motor buses, motor lorries, motor taxis, motor tractors (N.E.S.A.)		
(10) Patterns, dies and templates (N.E.S.A.)		
(11) Ropeway structures—Ropeways ropes and trestle sheaves and connected parts (N.E.S.A.)		
(12) Shoe and other leather goods factories—wooden lasts used in the manufacture of shoes.		
E. (1) Aeroplanes—Aero-engines (N.E.S.A.)		
(2) Rubber and plastic goods factories—Moulds (N.E.S.A.)	40	
F. (1) Artificial Silk Manufacturing Machinery—wooden parts.		
(2) Cinematograph films—Bulbs of studio lights.		
(3) Flour mills—Rollers.		
(4) Gas cylinders including valves and regulators		
(5) Glass manufacturing concerns—Direct Fire Glass Melting Furnaces.		

1	2	3
(6) Iron and steel industry—Rolling mill rolls.		
(7) Match factories—Wooden Match frames.		
(8) Mineral oil concerns—		
(a) Plant used in field operations (above ground)—		100
Distribution—returnable packages		
(b) Plant used in field operations (below ground)		
but not including assets covered by sub-item (ii) B		
(9) above.		
(9) Mines and quarries—		
(a) Tubs, Tubes, winding ropes, haulage ropes and		
sand stowing pipes.		
(b) Safety lamps.		
(10) Salt works—Salt pans, reservoirs and conden-		
sers etc. made of earthy, sandy or clayey material		
or any other similar materials.		
(11) Sugar works—rollers.		

(iii) *Extra depreciation allowance for approved hotels :*

An extra allowance of depreciation of an amount equal to one-half of the normal allowance shall be allowed in the case of machinery and plant installed by an assessee, being an Indian company, in premises used by it as a hotel where such hotel is for the time being approved by the Central Government for the purposes of section 33 of the Act.

Explanation.—For the purposes of this sub-item and sub-item (iv), “normal allowances” means the amount of depreciation allowance (other than the extra depreciation allowance under this sub-item or the extra shift depreciation allowance under sub-item (iv)) which is allowable under rule 5.

(ix) *Extra shift depreciation allowance :*

An extra allowance up to a maximum of an amount equal to one-half of the normal allowance shall be allowed where a concern claims such allowance on account of double shift working and establishes that it has worked double shift. An extra allowance up to a maximum of an amount equal to the normal allowances instead of one-half of the normal allowance shall be allowance where a concern claims such allowance on account of triple shift working and establishes that it has worked triple shift.

The calculations of the extra allowance for double shift working and for triple shift working shall be made separately in the proportion which the number of days for which the concern worked double shift or triple shift, as the case may be, bears to the normal number of working days during the previous year. For this purpose, the normal number of working days during the previous year shall be deemed to be—

- (a) in the case of a seasonal factory or concern, the number of days on which the factory or concern, actually worked during the previous year or 180 days, whichever is greater ;

1

2 3

- (b) in any other case, the number of days on which the factory or concern actually worked during the previous year or 240 days, whichever is greater.

Illustration

For example, where a non-seasonal concern worked 270 days during the previous year out of which it worked triple shift on 135 days and double shift on another 90 days, the extra depreciation allowance for triple shift working will be $135/270$, i. e. one-half of the normal allowance, and that for double shift working $90/270$, i. e. one-third, of one half of the normal allowance.

The extra shift allowance shall not be allowed in respect of any item of machinery or plant which has been specifically excepted by inscription of the letters "N.E.S.A." (meaning "No Extra Shift Allowance" against it in sub-item (ii) above and also in respect of the following items of machinery and plant to which the general rate of depreciation of 10 per cent applies :—

- (1) Electrical Machinery—Switchgear and instruments, transformers and other stationary plant and wiring and fittings of electric light and fan installations.
- (2) Locomotives, Rolling stock, Tramways and Railways used by concerns, excluding Railway concerns.
- (3) Mineral oil concerns—Refineries—
 - (a) Boilers,
 - (b) Prime Movers,
 - (c) Process plant.
- (4) Mineral oil concerns—Field operations—
 - (a) Boilers,
 - (b) Prime Movers,
 - (c) Process plant,
 - (d) Storage tanks (above ground),
 - (e) Pipelines (above ground),
 - (f) Jetties and Dry docks.
- (5) Mines and quarries—
 - (a) Boilers and head-gears (excluding moving parts),
 - (b) Shafts and inclines,
 - (c) Tramways on the surface.
- (6) Railway sidings.
- (7) Ropeways structures—
 - (a) Trestle and Station steel work,
 - (b) Driving and tension gearing.
- (8) Salt Works—
 - (a) Barges and Floating Plant,
 - (b) Piers, quays and jetties,
 - (c) Pipe lines for conveying brine if constructed of masonry, concrete, cement, asphalt or similar materials.
- (9) Tramways Electric and tramways run by internal combustion engines—

Explanation.—Reference in any of the articles above specified to the High Court or to the State Public Service Commission shall be construed as reference to the High Court of Assam or the Public Service Commission of the State of Assam, as the case may be.

68. - *Power of Governments of Assam and Meghalaya to carry on trade etc., in Meghalaya.*—(1) The executive power which the Government of Assam may exercise under article 298 in Meghalaya for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of the State of Assam may make laws, be subject to legislation by the Legislature of Meghalaya.

(2) The executive power which the Government of Meghalaya may exercise under article 298 in Meghalaya for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of Meghalaya may make laws, be subject also to legislation by the Legislature of the State of Assam.

67. *Power to suspend provisions of this Act in case of failure of constitutional machinery.*—Where a Proclamation is issued under article 356 in respect of Meghalaya the President may, by the same Proclamation or a subsequent Proclamation varying it, suspend also, in whole or in part, the operation of any of the provisions of this Act.

70. *Construction of references to "State" and State Government in other laws in relation to Meghalaya.*—Without prejudice to the provisions of sections 66 and 71 the Central Government may, after consulting the Government of Assam by notification in the Official Gazette declare that any reference to a "State" in a Central Act specified in the notification shall, in its application to Meghalaya, be construed as a reference to the whole or any part of Meghalaya and any reference to "State Government" in a Central Act specified in the notification shall in its application to Meghalaya be construed as a reference to the Central Government.

71. *Power to construe laws.*—Notwithstanding that no provision or insufficient provision has been made under section 66 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law, may for the purpose of facilitating its application in relation to the autonomous State, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court tribunal or authority, as the case may be.

72. *Effect of provisions of Act inconsistent with other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

73. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the President may by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

74. *Amendment of Sixth Schedule.*—The Sixth Schedule in the Constitution shall stand amended as specified in the Fourth Schedule.

75. *Amendment of Act 2 of 1934.*—In Section 21A of the Reserve Bank of India Act, 1934, (2 of 1934) in sub section (1), after the words

"any State", the brackets and words "(including the autonomous State of Meghalaya)" shall be inserted.

76. *Amendment of Act 37 of 1956.*—In section 16 of the States Reorganisation Act, 1956, (37 of 1956), in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

"(d) in the case of the Eastern Zone,—

(i) the Chief Minister and another Minister of the autonomous State of Meghalaya to be nominated by the Governor of Assam and if there is no Council of Ministers therein, not more than two members from the autonomous State of Meghalaya to be nominated by the President; and

(ii) the person for the time being holding the office of the Adviser to the Governor of Assam for Tribal areas."

77. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

THE FIRST SCHEDULE

(See sections 7, 16 and 26)

Forms of Oaths or Affirmations

I

Form of oath or affirmation to be made by a candidate for election to the Legislative Assembly :—

"I, A. B., having been nominated as a candidate to fill a seat in the Legislative Assembly of Meghalaya ————— do swear in the name of God

————— that I will solemnly affirm

I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India".

II

Form of oath or affirmation to be made by a member of the Legislative Assembly :—

"I, A. B., having been elected (or nominated) a member of the Legislative Assembly of Meghalaya ————— do swear in the name of God

————— that I will solemnly affirm

bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

Form of oath of office for a member of the Council of Ministers :—

swear in the name of God

"I, A. B., do— that I will bear true faith
solemnly affirm

and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister for Meghalaya, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV

Form of oath of secrecy for a member of the Council of Ministers:—
swear in the name of God

"I, A. B., do— that I will not directly or
solemnly affirm

Indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for Meghalaya except as may be required for the due discharge of my duties as such Minister."

THE SECOND SCHEDULE

(See sections 33 and 36)

Autonomous State List

(See section 33(1))

Matters with respect to which the Legislative Assembly has exclusive power to make laws

PART A

The following matters enumerated or to the extent included in List II—State List*.

1. Village and town police within the meaning of clause (f) of subparagraph (1) of paragraph 3 of the Sixth Schedule to the Constitution (Entry 2).

2. Administration of justice ; constitution and organisation of all courts, except the Supreme Court and the High Court ; procedure in rent and revenue courts ; fees taken in all courts except the Supreme Court and the High Court (Entry 3).

3. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with the State of Assam and other States for the use of prisons and other institutions (Entry 4).

4. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration (Entry 5).

5. Public health and sanitation ; hospitals and dispensaries (Entry 6).

6. Pilgrimages, other than pilgrimages to places outside India (Entry 7).

*Notes.—References in this Schedule to List I, List II or List III or to entries therein are references to the said List or entries therein in the Seventh Schedule to the Constitution ; and references in brackets at the end of each entry are reference to the corresponding entries in List II or List III in the said Schedule and have been inserted for the sake of convenience only.

7. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors (Entry 8).

8. Relief of the disabled and unemployable (Entry 9).

9. Burials and burial grounds ; cremations and cremation grounds (Entry 10).

10. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and Entry 25 of List III (Entry 11).

11. Libraries, museums and other similar institutions controlled or financed by the autonomous State ; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance (Entry 12).

12. Communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I, but excluding roads, bridges and ferries declared by the Legislature of Assam by law to be State highways ; municipal tramways ; ropeways ; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways ; vehicles other than mechanically propelled vehicles (Entry 13).

13. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases subject to the provisions of entry I of Part C (Entry 14).

14. Preservation, protection and improvement of stock and prevention of animal diseases ; veterinary training and practice (Entry 15).

15. Pounds and the prevention of cattle trespass (Entry 16).

16. Water, that is to say, water supply, irrigation and canals, drainage and embankments, water storage and water power, subject to the provisions of entry 56 of List I, but excluding water-supplies, irrigation and canals, drainage and embankments, water storage and water power in relation to irrigation, hydro-electric and navigation projects financed by the Government of Assam wholly or in part and declared by the Legislature of the State of Assam by law to be projects of State importance (Entry 17).

17. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents ; transfer and alienation of agricultural land ; land improvement and agricultural loans, colonization (Entry 18).

18. Forests, subject to the provisions of entry 2 of Part C (Entry 19).

19. Protection of wild animals and birds (Entry 20).

20. Fisheries (Entry 21).

21. Courts of wards subject to the provisions of entry 34 of List I ; encumbered and attached estates (Entry 22).

22. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union (Entry 23).

23. Gas and gas-works (Entry 25).

24. Trade and commerce within the autonomous State subject to the provisions of entry 33 of List III (Entry 26).

25. Markets and fairs (Entry 28).

26. Weight and measures except establishment of standards (Entry 29).

27. Money-lending and money-lenders ; relief of agricultural indebtedness (Entry 30).

28. Inns and inn-keepers (Entry 31).

1	2	3
(a) Permanent way not exceeding 1,25,000 car kilometers per kilometer of track per annum		
(b) Cars—car trucks, car bodies, electrical equipment and motors,		
(c) tram cars including engines and gears.		
(10) Weighing machines.		
IV. <i>Ships</i> —		
(1) Ocean going ships	5	To be calculated on the actual cost.
(2) Vessels ordinarily operating on inland waters—		
(i) *Speed boats	20	
(ii) Other vessels	10	

*“Speed boat” means a motor boat driven by a high speed internal combustion engine capable of propelling the boat at a speed exceeding 24 kilometers per hour in still water and so designed that when running at a speed it will plane, i.e., its bow will rise from the water.

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CENTRAL BOARD OF DIRECT TAXES

S. O. 2163.—In exercise of the powers conferred by sub-section (2) of Section 121 of the *Income-tax Act, 1961* (43 of 1961), the Central Board of Direct Taxes hereby directs that the Additional Commissioners of Income-tax and Additional Commissioners of Income-tax (Recovery), mentioned in the Board's notification No. 86 [F. No. 187/13/70(AI)] dated 29th May, 1970, will perform the functions of the Commissioners of Income-tax as per Annexure 'A' and Annexure 'B' respectively.

Annexure A

1. Revisionary powers under sections 263 and 264.
2. Sanction for proceedings under section 147 (a) and issue of Notice under section 148 [Section 151 (2)].
3. Approval of annuity contract under Section 80E (3) and withdrawal of approval.
4. Relief when salary etc., is paid in arrears or in advance under section 89 (1).
5. Determination of period to be excluded for interest calculation—Section 243 (2) of the Act.
6. Determination of appearance by authorised representatives under section 288(4).
7. Recognition of Provident Funds under Part-A Fourth Schedule.
8. Approval of Superannuation Funds under Part B-Fourth Schedule.
9. Approval of Gratuity Funds under Part C-Fourth Schedule.
10. Corresponding powers under the Gift Tax Act and Wealth Tax Act.

Annexure B

All the functions of the Commissioner of Income-tax, under the *Income Tax, 1961*, and the *Income Tax Act, 1922*, in connection with the recovery of taxes including stay of demands, withholding of refunds under section 241 and the work of Tax Recovery Commissioners.

Published in the *Gazette of India*, Part II Sec. 3(ii), No. 23, dated June 6, 1970/Jyaishta 16, 1892.

MINISTRY OF HOME AFFAIRS

S. O. 1938.—New Delhi, the 18th May 1970.—In pursuance of clause (1) of Article 258 of the Constitution and in supersession of all previous Notifications of the Government of India in the Ministry of Home Affairs on the subject, the President hereby entrusts to the Governments of Punjab, Haryana and Maharashtra with their consent, the functions of the Central Government under section 7 of the **Explosive Substances Act, 1908** (6 of 1908),

Published in the *Gazette of India*, Ext., Part II-Sec 3 (i), No. 74, dated April 4, 1970/Chaitra 14, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO OPERATION

G.S.R. 587.—New Delhi, the 4th April 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Rajasthan Foodgrains (Restrictions on Border Movement) Order, 1959, namely:—

1. (1) This Order may be called the **Rajasthan Foodgrains (Restrictions on Border Movement) Amendment Order 1970**.
- (2) It shall come into force on the 4th April, 1970.
2. In clause 2 of the Rajasthan Foodgrains (Restrictions on Border Movement) Order, 1959 (hereinafter referred to as the said Order, sub-clause (e) shall be omitted.
3. In clauses 4 and 5 of the said Order, the words "wheat or other", wherever they occur, shall be omitted
4. In sub-clause (1) of clause 6 of the said Order,—
 - (a) in item (i), the words "wheat or other" shall be omitted;
 - (b) in item (iii),—
 - (i) the words "wheat or any other" shall be omitted;
 - (ii) the words "wheat or", in the two places they occur, shall be omitted.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 73, dated April 4, 1970/Chaitra 14, 1892.

MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO OPERATION

G.S.R. 588.—New Delhi, the 4th April 1970 —In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby rescinds the **Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1969**, published with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co operation (Department of Food) No. G.S.R. 97, dated the 16th April, 1969:

Provided that such rescission shall not affect—

- (a) the previous operation of the said Order or anything duly done, or suffered thereunder or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as afore said;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been rescinded.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 76,
dated April 8, 1970/Chaitra 18, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 620/Ess. Com./Sugarcane.—New Delhi, the 8th April 1970.—
In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Sugarcane (Control) Order, 1963, namely:—

1. *Short title*.—This Order may be called the **Sugarcane (Control) Amendment Order, 1970**.

2. *Amendment of clause 1*.—In the Sugarcane (Control) Order, 1966, in clause 1, in sub-clause (2), the words “except the State of Jammu and Kashmir” shall be omitted.

G.S.R. 621/Ess. Com/Sugar.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Sugar (Control) Order, 1966, namely:—

1. *Short title*.—This Order may be called the **Sugar (Control) Amendment Order, 1970**.

2. *Amendment of clause 1*.—In the Sugar (Control) Order, 1963, in clause 1, in sub-clause (2), the words “except the State of Jammu and Kashmir” shall be omitted.

Published in the *Gazette of India* Ext., Part II-Sec. 3(ii), No. 61,
dated February 23, 1970/Phalgun 4, 1891.

MINISTRY OF FOREIGN TRADE

S. O. 720.—New Delhi, the 23rd February 1970.—In exercise of the powers conferred by Section 3 of the Imports & Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order:—

1. This Order may be called the **Exports (Control) Fourth Amendment Order, 1970**.

2. The short titles mentioned in column 2 below shall be deemed to have been assigned to the S. Os., shown in column 1, issued by the Ministry of Foreign Trade (formerly Ministry of Commerce) and published in the *Gazette of India* Extraordinary, Part II, Section 3, Sub-section (ii) on the dates shown against each:—

S. O. No. and date 1	Short Title 2
375 dated 22-1-1969	This Order may be called the Exports (Control) First Amendment Order, 1969.
376 dated 24-1-1969	This Order may be called the Exports (Control) Second Amendment Order, 1969.
563 dated 7-2-1969	This Order may be called the Exports (Control) Third Amendment Order, 1969.
622 dated 14-2-1969	This Order may be called the Exports (Control) Fourth Amendment Order, 1969.

1	2
748 dated 22-2-1969	This Order may be called the Exports (Control) Fifth Amendment Order, 1969.
1038 dated 12-3-1969	This Order may be called the Exports (Control) Sixth Amendment Order, 1969.
1230 dated 28-3-1969	This Order may be called the Exports (Control) Seventh Amendment Order, 1969.
1309 dated 31-3-1969	This Order may be called the Exports (Control) Eighth Amendment Order, 1969.
1566 dated 28-4-1969	This Order may be called the Exports (Control) Ninth Amendment Order, 1969.
1916 dated 17-5-1969	This Order may be called the Exports (Control) Tenth Amendment Order, 1969.

Published in the *Gazette of India*, Part-II Sec. 3 (ii), No. 21,
dated May 23, 1970/Jyaishta 2, 1892.

MINISTRY OF FINANCE

S O. 1762.—New Delhi, the 7th May 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Deposit Insurance Corporation (Amendment) Act, 1968** (56 of 1968), the Central Government hereby appoints the 7th day of May, 1970, as the day on which clause (i) of section 5 of the said Act shall come into force.

Published in the *Gazette of India* Part-II-Sec. 3 (ii), No. 2,
dated January 10, 1970/Pausa 20, 1891.

MINISTRY OF FOREIGN TRADE

S. O. 93.—New Delhi, the 27th December 1969. — In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following Order further to amend the Cotton Control Order, 1955, namely :—

1. This Order may be called the **Cotton Control (4th Amendment) Order 1969**.

2. In the Cotton Control, Order, 1955, in clause 2, after sub-clause (j), the following sub-clause shall be inserted, namely :—

“(jj) “person” includes,—

- (i) a Hindu undivided family;
- (ii) a company,
- (iii) a firm,
- (iv) an association of persons or a body of individuals, whether incorporated or not, and
- (v) every artificial juridical person, not falling within any of the preceding items;”

Published in the *Gazette of India*, Part II-Sec. 3 (i), No. 18,
dated May 2, 1970/Vaisakha 12, 1892.

MINISTRY OF INFORMATION AND BROADCASTING

G. S. R. 721.—New Delhi, the 14th April, 1970.—In exercise of the powers conferred by section 20A (1) of the **Press and Registration of Books Act, 1867** (25 of 1867), the Central Government hereby makes

the following rules further to amend the Registration of Newspapers (Central) Rules, 1956, namely :—

1. (a) These rules may be called the **Registration of Newspapers (Central) Amendment Rules, 1970.**

(b) They shall come into force on the date of their publication in the official gazette.

2. In the Registration of Newspapers (Central) Rules, 1956, in clause (b) of sub rule (2) of rule 5, for the entry in column II against the entry 'Malayalam' in column I, the following entry shall be substituted, namely :—

"Trivandrum".

Published in the *Gazette of India*, Ext. Part II-Sec. 3 (ii), No.

201, dated May 30, 1970/Jyaishta 9, 1892.

**MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL
TRADE AND COMPANY AFFAIRS**

S O 1981.—New Delhi, the 30th May 1970.—In exercise of the powers conferred by sub section (3) of section 1 of the **Monopolies and Restrictive Trade Practices Act, 1969** (54 of 1969), the Central Government hereby appoints the first day of June, 1970, as the date on which the provisions of the said Act shall come into force.

Published in the *Gazette of India*, Ext., Part II-Sec 3 (i), No.

97, dated May 27, 1970/Jyaishta 6, 1892.

MINISTRY OF FINANCE

G. S. R. 860.—New Delhi, the 27th May 1970.—In exercise of the powers conferred by sub-section (2) of section 79, read with sub-section (3) of section 160, of the Customs Act, 1962 (52 of 1962) the Central Government hereby makes the following rules further to amend the Tourist Baggage Rules, 1958, published with the Notification of the Government of India in the late Central Board of Revenue No. 225-Customs dated the 3rd August, 1958, namely :—

1. (1) These rules may be called the **Tourist Baggage (Amendment) Rules, 1970.**

(2) They shall come into force on the 27th June, 1970.

2. In rule 4 of the Tourist Baggage Rules, 1958, for the words "rupees eight hundred", the words "rupees five hundred" shall be substituted.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 98,

dated May 27, 1970/Jyaishta 6, 1892.

MINISTRY OF FINANCE

G.S.R. 861.—New Delhi, the 27th May, 1970—In exercise of the powers conferred by sub-section (2) of section 79 of the Customs Act, 1962 (52 of 1962), and in supersession of the Passengers (Non-Tourist) Baggage Rules, 1960, and the Crew Baggage Rules, 1967, the Central Government hereby makes the following rules for passing free of duty baggage of passengers (other than tourists) who arrive from any country other than Ceylon, Pakistan or Nepal, namely :—

1. *Short title, commencement and application.*—(1) These rules may be called the Baggage Rules, 1970.

(2) They shall come into force on the 27th June, 1970.

(3) They shall apply to baggage of all passengers who arrive in India on or after the 27th June, 1970.

2. *Used personal effects.*—The used articles of personal wear (excluding jewellery and wrist watch) and articles in personal use of a passenger for satisfying daily necessities of life may be passed free of duty.

3. *General free allowance.*—In addition to the articles specified in rule 2, an adult passenger may also be allowed to import free of duty articles up to a value of Rs. 500, if the proper officer is satisfied that such articles are for the use of passenger or his family or for making gifts or souvenirs ;

Provided that a passenger below 18 years of age may be allowed to import free of duty articles up to a value of Rs. 125/- if the proper officer is satisfied that such articles are for the use of such passenger.

4. *Additional allowance for used household articles.*—In the case of a passenger who has resided abroad in one country for over three months and is returning to India within two years of his departure from India, articles actually used for running his household, namely, linen, utensils, kitchen appliances and iron, upto an aggregate value of Rs. 500/- may be passed free of duty.

5. *Allowance for professional tools.*—A passenger satisfying the condition of residence prescribed in rule 4 may be allowed clearance free of duty of such used instruments, apparatus or appliances as are specially designed for use in the profession or calling followed by him and which any person following the same profession or calling would ordinarily carry with him in his professional tour.

6. *Jewellery and wrist watch.*—Jewellery and wrist watch in the actual use of a passenger who has been residing abroad for over one year but less than two years may be allowed clearance free of duty up to the aggregate value of Rs. 500 in the case of a male passenger and Rs. 1,000 in the case of a female passenger.

7. *Unaccompanied baggage.*—(1) Subject to the conditions and limitations laid down in these rules, the proper officer may pass free of duty *bona fide* unaccompanied baggage arriving in India after the arrival of the passenger, if it was in his possession abroad and was shipped by sea within one month or despatched by air within a fortnight of the passenger's arrival in India :

Provided that if the Assistant Collector of Customs or the Collector of Customs or the Board, as the case may be, is satisfied that the passenger could not ship or despatch his *bona fide* un-accompanied baggage within the period aforesaid in spite of his having taken all reasonable steps for that purpose, the Assistant Collector of Customs may extend the time limit of one month to two months or of a fortnight to one month, as the case may be and the Collector of Customs may extend the time limits to six months and the Board may extend up to any further time.

(2) *Bona fide* baggage of a passenger landed at any Customs station within two months before his arrival in India may be passed free of duty by the proper officer subject to the conditions and limitations laid down in these rules :

Provided that the Assistant Collector of Customs may, in his discretion, extend the time limit for the arrival of the passenger up to four months and the Collector of Customs may extend up to any further time if the said Assistant Collector or the Collector, as the case may be, is satisfied that the passenger was prevented by sufficient cause from arriving in India within the aforesaid period of two months.

8. *Application of these rules to members of the crew.*—These rules except rule 4, shall apply, in respect of officers and members of the crew engaged in a foreign going vessel for clearance of their baggage at the time of final pay off on termination of their engagement :

Provided that the concession under rule 5 shall not be allowed except at the time of final pay off on termination of first engagement in a foreign-going vessel.

9. *Articles not exempted from duty.*—Notwithstanding the provisions of rules 3 and 4, the following articles shall not be passed free of duty under these rules, namely :—

- (i) Air Conditioner.
- (ii) Refrigerator.
- (iii) Cooking range.
- (iv) Washing Machine.
- (v) Motor cycle, Scooter and Moped.
- (vi) Radiogram other than battery operated.
- (vii) Television Set.
- (viii) Tape Recorder other than battery operated.
- (ix) Amplifier
- (x) Movie Camera.
- (xi) Movie Projector.
- (xii) Firearms
- (xiii) Golf Clubs.
- (xiv) Cigarettes exceeding 200 or cigars exceeding 50 or Tobacco exceeding 250 grammes.
- (xv) Alcoholic liquor in excess of 0.75 litre.

Published in the *Gazette of India*, Ext, Part II Section 3 (i),

No. 55, dated March 16, 1970/Phalguna 25, 1891

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY
DEVELOPMENT AND COOPERATION

G. S. R. 444.—New Delhi, the 16th March 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Foodgrains (Prohibition of Use in Manufacture of Starch) Order, 1966, namely :—

1. (1) This Order may be called the **Foodgrains (Prohibition of Use in Manufacture of Starch) Amendment Order, 1970.**

(2) It shall come into force at once.

2. In the Foodgrains (Prohibition of Use in Manufacture of Starch) Order, 1966,—

(1) For clause 4A. the following clause shall be substituted, namely :—

“4A. *Manufacture of Starch out of Damaged or Deteriorated or Contaminated Foodgrains.*—(1) Notwithstanding anything contained in clause 3 or clause 4, no person shall use damaged, deteriorated or contaminated foodgrains in the manufacture of starch except under and in accordance with a permit issued by the Central Government or a State Government or an officer authorised by such Government, and unless such foodgrains have been certified by the said authority as unfit for human consumption.

(2) Before a permit is issued under sub-clause (1), representative samples of the suspect foodgrains shall be drawn and got analysed in a recognised foodgrains laboratory by the authority issuing the permit.

(2) After clause 4A, the following clause shall be inserted, namely:—

4. B. *Supervision of conversion of contaminated foodgrains into Inedible starch.*—(1) The conversion of contaminated foodgrains into inedible starch, in a starch factory, shall be supervised by an officer authorised for this purpose by the Central Government or a State Government.

(2) For the purpose of sub-clause (1), the permit issued under clause 4A shall specify whether or not the foodgrains used in the manufacture of starch are contaminated. If the foodgrains are contaminated, then the authority granting the permit shall accordingly inform the officer authorised to supervise under sub-clause (1).

Explanation—Contaminated foodgrains are foodgrains which are compounded of toxic elements that cannot be removed and have become unfit or unsafe for human consumption.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 159,
dated April 29, 1970/Vaisakha 9, 1892.

MINISTRY OF FINANCE

S. O. 1617.—New Delhi, the 29th April, 1970.—In exercise of the powers conferred by section 114, read with clause (e) of sub-section (4) of section 39, of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the **Gold Control (Grant of Certificates) Rules, 1970.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Gold (Control) Act, 1968 (45 of 1968);

(b) “repatriate” means a person of Indian origin who, having been a permanent resident in a foreign country, leaves that country with a view to permanently settling down in India provided that there is an endorsement by the diplomatic officer of the Government of India in the country left by such person on the passport of such person to the effect that he is a bonafide repatriate to India, or where no such endorsement has been made, he is certified by such officer to be a bonafide repatriate to India;

(c) “section” means a section of the Act.

3. *Persons to whom certificates may be granted.*—The certificate referred to in sub section (1) of section 39 may be granted to a person who belongs to any of the following categories, namely:—

(a) a repatriate who was a dealer, as defined in clause (h) of section 2, in the country from which he had repatriated, provided that he was a dealer in that country for not less than one year before such repatriation;

(b) a person who, being a member of the family of a goldsmith who had received any loan from the Government under any scheme for the rehabilitation of goldsmiths, had assisted such goldsmith in his work as such for a period of not less than one year before the commencement of Part XII-A of the Defence of India Rules, 1962.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 67,
dated March 30, 1970/Chaitra 9, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 579/Ess.Com./Gur.—New Delhi, the 30th March 1970.—In exercise of the powers conferred by section 3 of the Essential

Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Gur (Regulation of Use) Order, 1968, namely :—

1. This Order may be called the **Gur (Regulation of Use) Amendment Order, 1970**.

2. In clause 3 of the Gur (Regulation of Use) Order, 1968, for the proviso, the following proviso shall be substituted, namely :—

“Provided that the Central Government or any officer authorised by it in this behalf, may, by order in writing, permit the use of gur for the following purposes, namely :—

- (i) use in tobacco industry :
- (ii) use in leather tanning industry ;
- (iii) use in chemical industry ;
- (iv) any other industrial use.”

Published in the *Gazette of India*, Ext., Part II—Sec. 3(ii), No. 103, dated March 18, 1970/Phalgun 27, 1891.

MINISTRY OF FOREIGN TRADE

S. O. 1102.—New Delhi, the 18th March, 1970.—In exercise of the powers conferred by Section 3 of the Imports & Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely :—

1. This Order may be called the **Exports (Control) Sixth Amendment, Order, 1970**.

2. In the Exports (Control) Order, 1968, in Schedule I Part ‘B’, the existing entry against item No. 7 shall be substituted by the following :—

“Hides & Skins, raw and picked excluding cuttings, shavings, trimmings and fleshings.”

Published in the *Gazette of India*, Part II, Sec. 3(i), No. 31, dated August 1, 1970/Sravana 10, 1892.

MINISTRY OF PETROLEUM & CHEMICALS AND MINES & METALS

G.S.R. 1117.—New Delhi, the 23rd May, 1970.—In exercise of the powers conferred by section 13 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Mineral Concession Rules, 1960, namely :—

1. (1) These rules may be called the **Mineral Concession (Second Amendment) Rules, 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Mineral Concession Rules, 1960,—

(1) in rule 9,—

(i) in sub rule (2), after clause (c), the following clause shall be inserted, namely :—

“(d) a valid clearance certificate in the form prescribed by the State Government, of payment of mining dues, such as royalty or dead rent and surface rent payable under the Act or the rules made thereunder, from that Government for any officer or authority by that Government in this behalf :

‘Provided that where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such

mining dues, the non payment thereof not be treated as a disqualification for the purpose of granting or renewing the said prospecting licence :

Provided further that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold a prospecting licence, it shall not be necessary for him to produce the said valid clearance certificate.” ;

(ii) after sub-rule (2), the following sub-rules shall be inserted, namely :—

“(3) The State Government may, for reasons to be recorded in writing, relax the provisions of clause (d) of sub-rule (2) of rule 9.

“(4) The grant of a clearance certificate under clause (d) of sub-rule (2) of rule 9 shall not discharge the holder of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.”;

(2) in rule 22, in sub-rule (3).—

(i) in clause (i), after sub-clause (c), the following sub clause shall be inserted, namely :—

“(d) a valid clearance certificate in the form prescribed by the State Government, of payment of mining dues, such as royalty or dead rent and surface rent payable under the Act or the rules made thereunder, from that Government or any officer or authority authorised by that Government in this behalf :

Provided that where any injunction has been issued by a court of law or any other competent authority staying the recovery of any such mining dues, the non-payment thereof shall not be treated as a disqualification for the purpose of granting or renewing the said mining lease :

Provided further that where a person has furnished an affidavit to the satisfaction of the State Government stating that he does not hold a mining lease, it shall not be necessary for him to produce the said valid clearance certificate :

Provided also that the grant of a clearance certificate under sub-clause (d) shall not discharge the holder of such certificate from the liability to pay the mining dues which may subsequently be found to be payable by him under the Act or the rules made thereunder.”;

(ii) after clause (i), the following clause shall be inserted, namely :—

“(ia) The State Government may, for reasons to be recorded in writing, relax the provision of sub-clause (d) of clause (i).”;

(3) in Schedule I,—

(i) in Form B, after item (vi) of para 3, the following items shall be inserted, namely :—

“(via) No. and date of the valid clearance certificate of payment of mining dues (copy attached).

(vib) If on the date of application the applicant does not hold a prospecting licence, it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the State Government.”;

(ii) in Form E, after item (vi) of para 2, the following item shall be inserted namely:—

“(via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).”;

(iii) in Form I, after item (vi) of para 3, the following items shall be inserted, namely:—

“(via) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed).

(vib) If on the date of application, the applicant does not hold a mining lease, it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the State Government.”;

(iv) in Form J, after item (vi) of para 2, the following item shall be inserted, namely:—

“(via) No and date of the valid clearance certificate of payment of mining dues (copy enclosed).”.

Published in the *Gazette of India*, Part II-Sec. 3(i), No. 28, dated July 1st, 1970/Asadha 20, 189¹.

SUPREME COURT OF INDIA

G.S.R. 1006.—New Delhi, the 2nd July 1970.—The following is published for general information:—

In exercise of the powers conferred by article 145 of the Constitution, and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966, namely:—

1. (1) These rules may be called the **Supreme Court (Amendment) Rules, 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966, in Order X, in rule 2, the following Explanation shall be inserted at the end, namely:—

“**Explanation.**—The provision of this rule shall, so far as may be, apply also to a document in English of which a part is in a language other than English.”.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(1), No. 132, dated July 18, 1970/Asadha 27, 189².

MINISTRY OF EXTERNAL AFFAIRS

G.S.R. 1061—New Delhi the 11th July 1970.—In exercise of the powers conferred by Section 24 of the Passports Act, 1967 (15 of 1967), the Central Government hereby makes the following rules further to amend the Passports Rules, 1967, namely:—

1. (1) These rules may be called the **Passports (Amendment) Rules, 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 10 of the Passports Rules, 1967, under the heading “Duration of passports or travel documents”, for sub-rule (3) the following sub-rule shall be substituted, namely:—

“(3) A Certificate of Identity shall continue in force for a period of two years from the date of issue.”

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), 128, dated July 10, 1970/Asadha 19, 189².

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

G.S.R. 1037—New Delhi, the 9th July, 1970.—In exercise of the powers conferred by section 67 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby makes the following rules, namely:—

1. **Short title and Commencement.**—(1) These rules may be called the **Monopolies and Restrictive Trade Practices Rules, 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definition.*—In these rules:—

(a) "Act" means the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);

(b) "form" means a form specified in the Schedule to these rules;

(c) "principal officer" in relation to an undertaking means—

(i) where the undertaking is owned by a body corporate—

(A) the Managing Director of the body corporate, or

(B) any other director, manager or secretary, of the body corporate who has been authorised by the Board of Directors of such body corporate by means of a resolution in that behalf;

(ii) where the undertaking is owned by a firm, any partner thereof;

(iii) where the undertaking is owned or controlled by an individual or association of individuals or persons, any individual who is in charge of the management of such undertaking.

3. *Notice or application to the Central Government*—Every notice given or application made to the Central Government under any of the provisions of the Act shall be sent, together with six spare copies thereof, to the Department of Company Affairs of that Government.

4. *Form of complaints under section 10 of the Act*—Every complaint made under sub-clause (1) of clause (a) of section 10 of the Act shall be signed by a person authorised in this behalf by the trade or consumers' association or by at least twenty-five consumers, as the case may be, and such complaint shall be accompanied by such documentary evidence in support of the allegations made in such complaint as are available to the persons making the complaint.

5. *Notice under sub-section (1) of section 21.*—(1) Every notice given under sub-section (1) of section 21 shall be in Form I.

(2) Every such notice shall be accompanied by a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees two hundred.

(3) On receipt of a notice referred to in sub-rule (1), the Department of Company Affairs shall record thereon the date of its receipt and shall forthwith communicate such date to the undertaking.

(4) The Central Government may, before referring the notice to the Commission or before passing any order thereon, require the undertaking to furnish, within a period to be specified by it, such additional information as it may consider necessary.

6. *Application under sub-section (2) of section 22.*—(1) Every application made under sub-section (2) of section 22 of the Act shall be in Form II.

(2) The provisions of sub-rules (2), (3) and (4) of rule 5 shall be applicable to an application referred to in sub-rule (1).

7. *Application under section 23.*—(1) Every application made under sub-section (2) of section 23 of the Act shall be in Form III.

(2) Every application made under sub-section (4) of section 23 of the Act shall be in Form IV.

(3) The provisions of sub-rules (2), (3) and (4) of rule 5 shall be applicable to an application referred to in sub-rules (1) and (2).

8. *Application under section 25.*—Every application made under section 25 of the Act shall be in Form V.

(2) Every application referred to in sub-rule (1) shall be accompanied by a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees fifty.

9. *Application for registration*—(1) Every application for registration made under sub-section (1) of section 26 of the Act shall be in Form VI.

(2) Every application referred to in sub-rule (1) shall be accompanied by a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees one hundred and fifty.

(3) On receipt of an application referred to in sub-rule (1), the Department of Company Affairs shall note thereon the date of its receipt and shall forthwith communicate such date to the undertaking.

(4) The certificate of registration to be issued under sub-section (2) of section 26 of the Act shall be in Form VII.

(5) Where a certificate of registration referred to in sub-rule (4) is lost, destroyed or mutilated, a duplicate certificate may be granted on payment of a fee of rupees twenty-five.

10. *Payment of fees*—Fees payable under the Act or any rule or regulation made thereunder shall be paid into the Public Account of India at any Government treasury or into the Reserve Bank of India or any office of the State Bank of India or any subsidiary thereof acting as the agent of the Reserve Bank of India for credit under head "L-II. Miscellaneous."

11. *Inspection of, and extracts from, the register*—(1) Any person who wishes to inspect the register, other than the special section, shall apply to the Registrar along with a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees ten.

(2) The registrar may allow the applicant to inspect the register during working hours either in his presence or in the presence of any person authorised by him in this behalf.

(3) The applicant shall not be permitted to take out extracts of any particulars entered in the register, but may be allowed to take note of any points from the particulars entered in the register.

(4) Any person who wishes to obtain a certificate copy of, or extract from, any particulars entered in the register, other than the special section, shall apply to the Registrar and such application shall be accompanied by a fee of rupee one for every one hundred words required to be copied or extracted.

SCHEDULE

Form No. I

Treasury Challan No.

or

Receipt No.

Dated

(See rule 5)

The Monopolies and Restrictive Trade Practices Act, 1969

Form of Notice to the Central Government of intention to make substantial expansion.

(Note.—"Period" means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name and address of the undertaking.
2. Number and date of its registration under the Act.
3. Classification of undertaking i. e. whether it comes under one or more of the following clauses :

(a) (i), (a) (ii), (b) (i), (b) (ii), of section 20 of the Act.

4. Name, address, number and date of registration of each interconnected undertaking.

5. Please indicate.—(i) if the undertaking is a proprietary concern—

- (a) name of the proprietor/s, and their address/es
- (b) full details of the proprietorships, partnerships, or directorships held by persons shown against (a) above in any inter-connected undertaking and in any other undertaking
- (c) capital structure/proposed capital structure of the undertaking.
- (d) investment made by each proprietor/relative.
- (e) capital structure (including debentures and borrowings) of all inter-connected undertakings and the investment made by each of the proprietors/relatives in each such undertaking.
- (f) capital structure (including debentures and borrowings) of other undertakings in which proprietors/relatives have invested capital and the extent of investment in each case.
- (g) full details of foreign participation, if any, in the undertaking and in the inter-connected undertaking indicating the names and address of foreign collaborators and the terms and conditions of such participation.
- (h) full details of borrowings indicating specifically the borrowing from Scheduled banks, and financial institutions in the public sector with names and amounts. Similar details in respect of inter-connected undertakings should also be given.
- (i) If the undertaking is a partnership firm—
 - (a) names of the partners and their addresses.
 - (b) full details as at (b) to (h) in (i) above in relation to partners and their relatives.
- (ii) If the undertaking is a body corporate—
 - (a) names and addresses of directors, including managing/whole-time directors and manager, if any.
 - (b) full details of the proprietorships, partnerships and directorships held by the directors, manager and their relatives in other undertakings : inter-connection between the undertakings, if any, should be brought out.
 - (c) capital structure of the body corporate showing how the share capital is made up. Also give separately full details relating to shares both equity and preference held by Scheduled banks, financial institutions in the Public sector, foreigners, inter connected undertakings and other shareholders having more than 5% voting power. In case these details do not cover 51% of the equity share capital, please give details of other top shareholders in order to cover upto 51%. Similar information relating to inter connected undertakings may be given in a separate statement.
 - (d) Debentures and borrowings, if any. Give full details of debentures issued to or loans taken from financial institutions in the public sector, Scheduled banks, foreigners and inter-connected undertakings. Terms and conditions of the loans. Similar information relating to inter-connected undertakings should also be given.
 - (e) pattern of shareholding (preference and equity) in the body corporate. This should include (i) the percentage of voting power of each director, manager and each of their relatives and (ii) the voting power and particulars of the groups each of which has 5% or more, voting power].
 - (f) capital structure of each inter-connected undertaking and the number of shares held/capital invested by each director, manager and each of their relatives including the combined voting power of the directors and their relatives in each such undertaking.

(g) If any director, manager or any relative of such director, manager has any financial or other interest in any undertaking whether inter-connected or not, full details to be furnished.

6. Lines of business of the undertaking. The description of goods manufactured supplied, distributed or otherwise controlled or services rendered by the undertaking should be precisely given including the value, cost, price quantity or capacity, as the case may be, of each of the goods and services during the period.

7. Please indicate the quantum and/or value, as the case may be, of the same or similar good or goods which are subject of different forms of production, produced, supplied, distributed or otherwise controlled and the value of same or similar services rendered by each inter-connected undertaking during the period.

8. Indicate the estimated quantum and value of goods to be produced supplied, distributed or controlled and the value of services to be rendered during the current calendar year.

9. Details of proposed substantial expansion :—

(A) if it is proposed to produce, supply, distribute or control new goods or render new services—

(a) Please give following details :—

Sl. No.	Description of new goods or new services	Industry to which the goods relate	Annual capacity proposed to be installed or estimated value of services proposed to be rendered
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(b) Please indicate—

Before expansion

Description and value of assets.

After expansion

Description and estimated value of assets.

(c) In case any of the inter-connected undertakings is already producing, supplying, distributing or controlling the proposed new goods or similar goods or different form of the new goods or rendering the proposed services. Please give following details :—

Sl. No.	Name of undertaking with address and registration number	Description of goods/services	licensed capacity	Installed capacity	Turn-over during the period
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(B) If the proposal is to effect substantial expansion of the existing activities :—

(a) State the lines of proposed expansion.

Description of goods	Present annual installed capacity	Turn-over during the period	Expansion proposed	Annual installed capacity or estimated capacity after expansion
Nature of Services				

(b)* Please indicate—

Before expansion

Description and value of assets.

After expansion

Description and estimated value of assets.

(c) in case any of the inter-connected undertaking is already producing, supplying, distributing or controlling same or similar goods or different forms of such goods or rendering same or similar services please furnish the following details :—

SL. Name of undertaking with No. address and registration number	Description of goods/ services	Licensed capacity Installed capacity over during the period
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NOTE: (i) Value of assets to be computed in terms of the Explanation under section 20 of the Act.

(ii) Data regarding goods and services to be split up for goods and services of each description.

10. Scheme of finance.—Please furnish full details regarding the scheme of finance for the proposed expansion, including the following :—

(a) Estimated capital outlay, indicating proposed allocation to heads such as land, building, plant and machinery, raw materials, etc.

(b) If any item of equipment including raw materials is to be imported, please give full details of each item of import and the estimated value, both in Indian currency and in the foreign currency.

(c) Source of finance—

(i) If it is proposed to finance the proposed expansion from the internal resources of the undertaking, indicate precisely in what manner the funds will be raised.

(ii) In case it is proposed to obtain loans from any other undertakings including inter-connected undertakings, please set out in detail the terms and conditions, including rate of interest and repayment.

(iii) If it is intended to borrow from any bank or financial institution, please set out the name and terms and conditions, including rate of interest, repayment, option, if any, of the lending institution to appoint its nominee on the management of the undertaking and/or to convert the loan or any part of it into equity share capital investment of the undertaking.

(iv) If any foreign exchange is involved, please furnish full details indicating the names of person or institutions and the terms of the loans.

(v) Attach a separate statement showing—

(a) the financial and liquidity position of the undertaking on the last day of its accounting year which closes during the calendar year immediately preceding the calendar year in which the application is made or on the closing date of its last accounting year, if the accounts are made up.

(b) in case it is proposed to issue fresh capital full details about the shares proposed to be subscribed/under written by the public sector financial institutions, banks, foreigners and inter-connected undertakings, may be given.

(vi) In case the proposed expansion is sought to be financed by borrowing from any Scheduled bank or financial institutions or undertaking which is not inter connected, please indicate precisely, supported by documentary evidence, as to why the funds required for the proposed expansion cannot be provided by the undertakings with which the applicant undertaking is inter-connected.

11. Please furnish the market share of your undertaking with respect to goods of every description produced, supplied, distributed or controlled and/or services of every description rendered before and goods to be produced etc. or services to be rendered after the proposed expansion.

12. Any other information which the undertaking may wish to furnish.

13. A copy each of the annual accounts for the last 3 accounting years of the undertaking.

Signature of principal officer.

Place _____

Date _____

Verification

"I, A.B. do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 13 above is true to the best of my knowledge and belief".

Signature of principal officer.

(To be completed by the Government of India)

1. Date of receipt of notice :

Signature of receiving officer.

Date _____

2. In case of reference to to the Commission.

(a) the date on which the case is referred to the Commission.

(b) the date on which the report of the Commission is received.

3. Date on which the orders of the Government were communicated to the applicant undertaking.

Treasury Challan No.

or

Receipt No.

Dated _____

[Forms II to VI omitted. _____

Editor.]

Published in the *Gazette of India*, Ext., Part II—Sec. 3(ii), No. 228,
dated June 22, 1970/Asadha 1, 1892.

MINISTRY OF FINANCE

S.O. 2203.—New Delhi, the 16th June, 1970.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194A of the *Income-tax Act, 1961*, (43 of 1961), the Central Government hereby notify for the purposes of the said sub-clause, the Market Committees established under the *State Agricultural Produce Markets Acts* in various States.

Published in the *Gazette of India* Ext., Part II—Sec. 3(ii), No. 230,
dated June 26, 1970/Asadha 5, 1892.

MINISTRY OF INDUSTRIAL DEVELOPMENT INTERNAL TRADE AND COMPANY AFFAIRS

S.O. 2241.—New Delhi, the 26th June, 1970.—In exercise of the powers conferred by sub-section (xi) of clause (a) of section 2 of the *Essential Commodities Act, 1955* (10 of 1955), the Central Government hereby declares the commodities specified below which are used in the manufacture of electrical cables and wires to be essential commodities for the purposes of the said Act, namely :—

- (1) (i) Bare copper rods, wires and strips of all sections.
(ii) Copper bus bars.
- (2) Braided copper conductors.
- (3) Enamelled copper / aluminium rods, wires and strips of all sections.
- (4) Cotton, silk, paper, fibre, glass tape covered / aluminium rods, wires and strips of all sections.
- (5) Copper/aluminium rods, wires and strips of all sections coated with tin or other metals.

- (6) Copper fuse wire.
- (7) Copper clad steel wire.
- (8) Copper grooved contact conductor.
- (9) Paper insulated lead sheathed cables with copper/aluminium conductors.
- (10) Rubber insulated cables with copper/aluminium conductor.
- (11) Rubber insulated flexible trailing cables with copper/aluminium conductors.
- (12) P.V.C /Polyethelene/Cross linked polyethelene/Plastic cables with copper/aluminium conductors.
- (13) Other types of cables and wires with copper/aluminium conductor not mentioned above.

NOTE :—In this Order,—

- (a) "copper" means electrolytic copper bearing specification No. IS—615 of 1964 ;
- (b) "aluminium" means electrolytic aluminium E.C. 4026 of 1957.

Published in the *Gazette of India* Ext., Part II—Sec. 3(i), No. 122
dated June 29, 1970/Asadha 8, 1892.

MINISTRY OF HOME AFFAIRS

G.S.R. 973.—New Delhi, the 26th June, 1970 —In exercise of the powers conferred by sub-section (3) of section 1 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Central Government hereby appoints the 1st day of July, 1970, as the date on which the said Act shall come into force in the whole of the Union Territory of Delhi.

Published in the *Gazette of India*, Ext., Part II—Sec 3 (i), No. 119
dated June 26, 1970/Asadha 5, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R — 970/Ess.Con/Gur.—New Delhi, the 26th June 1970,—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following Order further to amend the Gur (Regulation of Use) Order, 1968, namely :—

1. (1) This Order may be called the **Gur (Regulation of Use) (Second Amendment) Order, 1970.**

(2) It shall come into force at once.

2. For clause 2 of the Gur (Regulation of Use) Order, 1968, the following clause shall be substituted, namely :—

"2. **Definition.**—In this Order, "gur" means the article known as gur, gul, jaggery, shakkar, rab and other intermediary products prepared by boiling sugarcane juice with or without admixture of molasses, which is identifiable by the following characteristics, namely :—

(i) total sugars (sucrose plus reducing sugars) as percentage of dissolved solids ranging from 70.0 to 95.0; and

(ii) ash (sulphated) as percentage of dissolved solids ranging from 1.5 to 5.0; and

includes a solution of any of the aforesaid articles in water."

Published in the *Gazette of India*, Ext., Part II—Sec. 3(i), No. 125
dated July 2, 1970/Asadha 11, 1892.

MINISTRY OF FINANCE

G.S.R. 1001.—New Delhi, the 2nd July, 1970.—In exercise of the

powers conferred by sub-section (2) of section 79 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules to amend the Baggage Rules, 1970, namely :—

1. (1) These rules may be called the **Baggage (Amendment) Rules 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2 In the Baggage Rules, 1970 (hereinafter referred to as the said rules), after the proviso to rule 3, the following proviso shall be inserted namely :—

“Provided further that in the case of an air passenger who travels on a free or concessional ticket and returns to India after staying outside India for less than a week, articles upto a value of Rs. 75 in the case of such adult passenger or Rs. 18.75 in the case of such passenger below 18 years of age, may only be allowed to be imported free of duty for each day's stay outside India.

Explanation.—For the purposes of this rule, ‘concessional ticket’ means a ticket issued after allowing a concession of 75 per cent or more’.

3. In rule 5 of the said rules for the words and figure “A Passenger satisfying the condition of residence” prescribed in rule 4”, the words “A passenger who has resided abroad in one country for over three months” shall be substituted.

Published in the *Gazette of India*, Part II—Sec. 3 (ii), No. 29,
dated July 18, 1970/Asadha 27, 1892.

CENTRAL BOARD OF EXCISE AND CUSTOMS

S.O. 2392.—New Delhi, the 4th July 1970.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Ludhiana in the State of Punjab to be a warehousing station.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

S.O. 2410/PWA/Procedure/Rules/Am.—In exercise of the powers conferred by sub-section (1) and (2) of section 28, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules further to amend the Payment of Wages (Procedure) Rules, 1937, the same having been previously published as required by sub-section (5) of the said section 28, namely :—

1. These rules may be called the **Payment of Wages (Procedure) Amendment Rules 1970**.

2. In the Payment of Wages (Procedure) Rules, 1937.

(1) after rule 12, the following rule shall be inserted, namely :—

“12A. *Order or direction when to be made.*—The Authority or the Court, as the case may be, after the case has been heard, shall make the order or direction either at once or as soon thereafter as may be practicable, on some future day; and when the order or direction is to be made on some future day, it shall fix a date for the purpose of which due notice shall be given to the parties or their pleader.”

(1i) In Form F, after item “11”, the following item shall be inserted, namely :—

“12. Date by which the amounts awarded shall be paid.”

Published in the *Gazette of India*, Part II—Sec. 3 (ii), No. 33 dated August 15, 1970/Sravana 24, 1892.

CENTRAL BOARD OF EXCISE AND CUSTOMS

S.O. 2691.—New Delhi, the 15th August 1970.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Dehradun in the State of Uttar Pradesh to be a warehousing station.

Published in the *Gazette of India*, Ext., Part II—Sec 3 (i), No. 108, dated June 9, 1970/Jyaishta 19, 1892.

MINISTRY OF HOME AFFAIRS

G.S.R. 901.—New Delhi, the 9th June 1970 —In exercise of the powers conferred by clause (a) of section 2 of the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968 (24 of 1968), the Central Government hereby appoints the 10th day of June 1970, as the appointed day for the purposes of that Act.

Published in the *Gazette of India*, Part II—Sec. 3 (i), No. 26, dated No. 26 June 27, 1970/Asadha 6, 1892.

CENTRAL BOARD OF EXCISE AND CUSTOMS

G.S.R. 965.—New Delhi, the 27th June 1970.—In exercise of the powers conferred by section 157 of the Customs Act, 1962 (52 of 1962), read with the proviso to the entry in column 2 against Item No. 12A (i) of the First Schedule to the Indian Tariff Act, 1934 (32 of 1934), the Central Board of Excise and Customs hereby makes the following regulations further to amend the Project Imports (Registration of Contract) Regulations, 1965, published with the notification of the Central Board of Excise and Customs No. 183—Customs, dated the 18th November, 1965 namely :—

1. (1) These regulations may be called the Project Imports (Registration of Contract) Amendment Regulation, 1970.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Project Imports (Registration of Contract) Regulations, 1965, to clause (1) of regulation 3, the following proviso shall be added, namely—

“Provided that in the case of consignments sought to be cleared through a Custom House other than the Custom House at which the contract is registered, the importer shall produce from the Custom House of registration such information as the proper officer of customs may require”.

Published in the *Gazette of India*, Part II—Sec. 3(ii), No. 27 dated July 4, 1970/Asadha 18, 1892.

MINISTRY OF FINANCE

S.O. 2266.—New Delhi, the 4th July, 1970.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints Bangalore, Srinagar and Varanasi as Customs airports for the purpose of loading of export goods, namely, handicrafts, including handloom and silk manufactures, when such goods, are taken out of these airports.

Published in the *Gazette of India*, Ext., Part II—Sec. 3(ii), No. 60,
dated February 23, 1970/Phalguna 4, 1891.

CENTRAL BOARD OF DIRECT TAXES

S. O. 719.—New Delhi, the 23rd February, 1970.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. These rules may be called the **Income tax (Second Amendment) Rules, 1970**.

2. In the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), in the Table below rule 18A, for the word "Madras" occurring in column 2 and in column 3 against serial No. 6, the words "Tamil Nadu" shall be substituted.

3. In rule 37 of the principal rules, to sub-rule (2A), the following proviso shall be added, namely :—

"Provided that in respect of tax deducted in cases to which item (1) of sub-clause (i) of clause (b) of sub-rule (1) of rule 30 applies, the particulars shall be furnished in the statement relating to the quarter next following the quarter in which the deduction is made."

4. In rule 50 of the principal rules, after clause (2), the following clause shall be inserted, namely :—

"(3) The final Examination of the Institute of Cost and Works Accountants of India constituted under the Costs and Works Accountants Act, 1949 (23 of 1959)"

Published in the *Gazette of India*, Ext. Part II—Sec. 3(ii), No. 73,
dated March 4, 1970/Phalguna 13, 1891.

MINISTRY OF FOREIGN TRADE

S. O. 920.—New Delhi, the 4th March, 1970.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely :—

1. This Order may be called the **Exports (Control) Fifth Amendment) Order, 1970**.

2. In the exports (Control) Order, 1968, in Schedule I, Part A, the existing entry against item No. 27, i. e. "Ethyl Alcohol or rectified spirit of any proof degree, whether denatured or not" shall be deleted.

3. In the Exports (Control) Order, 1968, in Schedule I, Part B, after item No. 60 the following item shall be added :—

"61. Ethyl Alcohol or rectified spirit of any proof degree, whether denatured or not"

Published in the *Gazette of India*, Ext., Part II—Sec. 3(ii), No. 277,
dated August 3, 1970/Srawana 12, 1892.

MINISTRY OF FOREIGN TRADE

S. O. 2608 —New Delhi, the 3rd August, 1970.—In exercise of the powers conferred by section 2 of the **Foreign Awards (Recognition and Enforcement) Act, 1961** (45 of 1961), the Central Government, being satisfied that reciprocal provisions have been made, hereby declare France to be a territory to which the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, set forth in the Schedule to that Act, applies for the purposes of any award of the nature referred to in that section made on or after the 11th day of October, 1960.

Published in the *Gazette of India*, Part II—Sec. 3(ii), No. 34, dated August 22, 1970/Srawana 31, 1892.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE

S. O. 2806.—IDRA/18G/69.—New Delhi, the 7th August, 1970.—In exercise of the powers conferred by section 18G, and section 25, of the Industries (Development and Regulation) Act, 1951 (65 of 1951); and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order further to amend the Cement Control Order, 1967, namely,

1. (1) This Order may be called the **Cement Control (Second Amendment) Order, 1970.**

(2) It shall come into force at once.

2. In clause 8 of the Cement Control Order, 1967, in item (a), for the figures "152.13" the figures "154.13" shall be substituted.

Published in the *Gazette of India*, Ext., Part II—Sec. 3(i), No. 134, dated July 22, 1970/Asadha 31, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G. S. R. 1098/Ess. Com./Sugar.—New Delhi, the 22nd July, 1970.—In exercise of the powers conferred by section 8 of the Essential Commodities Act, 1955 (10 of 1955), and clause 6 of the Sugar (Control) Order, 1966, and in supersession of the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G. S. R. 914/Ess. Com./Sugar, dated the 10th June, 1966, the Central Government hereby makes the following Order, namely:—

1. *Short title and commencement.*—(1) This order may be called the **Sugar (Restriction on Movement) Order, 1970.**

(2) It shall come into force at once.

2. *Restrictions on transport of certain sugar.*—No person shall transport or offer or accept for transport, whether by road, rail or water, any sugar sold in pursuance of any direction issued under clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), from one State to another State except under, and in accordance with, a permit issued in this behalf by the Central Government or the Chief Director or by the Government of the State from which sugar is to be taken out or an officer authorised by the Government of the State:

Provided that nothing in this Order shall apply to the transport of sugar.

(i) from a vacuum pan sugar factory in pursuance of a direction referred to above; or

(ii) on Government account; or

(iii) under and in accordance with the military credit notes; or

(iv) forming part of ships' stores intended for bonafide consumption during voyage; or

(v) apportioned to the owner of a factory under section 5 of the Sugar Export Promotion Act, 1958 (30 of 1958), either through or on behalf of, or by, the Indian Sugar Industry Export Corporation Limited.

Published in the *Gazette of India* Ext., Part II—section 3(ii); No. 242, dated July 3, 1970/Asadha 12, 1892.

MINISTRY OF LAW

S.O. 2362.—New Delhi, the 3rd July 1970.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. *Short title.*—These rules may be called the **Conduct of Elections (Second Amendment) Rules, 1970.**

2. *Amendment of Form 2A.*—In Form 2A appended to the Conduct of Elections Rules, 1961 (hereinafter referred to as the “said Rules”)—

(i) in the first part, for the words “assembly constituency comprised within”, wherever they occur, the dagger mark and the words “assembly constituency comprised within” shall be substituted;

(ii) in the second part, in item (b), for the word “sponsored”, the words “set up” shall be substituted;

(iii) after the existing two foot-notes below the second part, the following foot-note shall be inserted, namely:—

“*score out the words “assembly constituency comprised within” in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Delhi Laccadive, Minicoy and Amin-divi Islands and in relation to Tuensang District of Nagaland”.

3. *Amendment of Form 2B.*—In Form 2B appended to the said Rules, in item (b) in the second part, for the word “sponsored”, the words “set up” shall be substituted.

4. *Amendment of Form 13C.* In Form 13C (to be used at an election to the House of People or Legislative Assembly of a State) appended to the said Rules—

(i) for the words “service-unpaid”, the asterisk marks and the words “***service unpaid” shall be substituted;

(ii) after the existing two foot-notes, the following foot-note shall be inserted namely:—

“***Strike of in the case of an elector who is employed under the Government of India in a post outside India.”

5. *Amendment of Form 13D.*—In Form 13D (to be used at an election to the House of People or to the Legislative Assembly of a State) appended to the said Rules,—

(i) in ‘Part I—Directions to the electors’, after paragraph 5, the following paragraph shall be inserted, namely:—

“5A Do not put your signature or write any word or make any mark, sign or writing whatsoever on the ballot paper, other than the mark which you are required to make thereon in accordance with paragraph 4”;

(ii) ‘Part II—Instructions for electors’, in paragraph (d), for the last sentence ‘You have to give your full signature in the space provided on the cover marked ‘B’ but no postage stamp need be affixed by you.’, the following sentences shall be substituted, namely:—

“You have to give your full signature in the space provided on the cover marked ‘B’. No postage stamp need be affixed by you, if the cover is posted within India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag”.

6 *Amendment of Form 14A*—For Form 14A appended to the said Rules, the following Form shall be substituted, namely:—

FORM 14A

List of @ Illiterate, Blind and Infirm Voters

(See rule 40(2) and rule 40A(2))

Election to the... ** .. from the...
Constituency*/by the elected members** members of the Legislative
Assembly of .. (State)

£No. and name of polling station Name of Place of Poll... ..

Part No. & Serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion
-------------------------------------	-------------------------	---------------------------	-------------------------	---------------------------

Date Signature of Presiding Officer.

@The word "Illiterate" not applicable in the case of election from
Assembly/Parliamentary constituency.

*Strike off whichever is inapplicable.

**Strike off whichever is inapplicable.

£Strike off whichever is inapplicable."

Published in the *Gazette of India*, Part II—Sec. 3 (ii), No. 30, dated

July 25, 1970/Sravana 3, 1892

MINISTRY OF HOME AFFAIRS

S.O. 2449—New Delhi, the 13th July 1970.—In exercise of the powers conferred by section 3 of the *Delhi Special Police Establishment Act, 1946* (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely:—

(a) Offences punishable under Sections 500, 501 and 502 of the *Indian Penal Code, 1860* (45 of 1860).

(b) attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

S.O. 2450.—New Delhi, the 10th July 1970.—In exercise of the powers conferred by sub-section (1) of section 5 of the *Delhi Special Police Establishment Act, 1946* (25 of 1946) and in continuation of the Order of the Government of India in the Ministry of Home Affairs, No. 25/12/62—AVD. II dated the 18th February, 1963, published as G. S. R. 306 dated the 18th February, 1963 in the *Gazette of India*, Part II, Section 3 (i), dated the 23rd February, 1963, the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the State of Tamil Nadu, for the investigation of any of the offences specified in the Schedule below:

THE SCHEDULE

(a) offences punishable under sections 31 and 32 of the Representation of the People Act, 1950 (43 of 1950)

(b) Offences punishable under sections 128, 129, 134 and 136 of the Representation of the People Act, 1951 (43 of 1951);

(c) attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in clauses (a) and (b) and any other offence committed in the course of the same transaction arising out of the same facts.

S. O. 2451.—In exercise of the powers conferred by sub-section (1) of section 5 of the **Delhi Special Police Establishment Act, 1946** (25 of 1946) and in continuation of the Order of the Government of India in the Ministry of Home Affairs No. 25/12/62-AVD. II, dated the 18th February, 1963, published as G. S. R. 306 dated the 18th February, 1963 in the Gazette of India, Part II. Section 3(i), dated the 23rd February, 1963, the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Kerala, Madhya Pradesh, Maharashtra, Mysore, Nagaland, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal for the investigation of any of the offences specified in the Schedule below :

THE SCHEDULE

- (a) offences punishable under sections 171E and 171F of the Indian Penal Code, 1860 (45 of 1860) ;
- (b) offences punishable under sections 31 and 32 of the Representation of the People Act, 1950 (43 of 1950) ;
- (c) offences punishable under sections 128, 129, 134 and 136 of the Representation of the People Act, 1951 (43 of 1951) ;
- (d) attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in clauses (a) to (c) and any other offence committed in the course of the same transaction arising out of the same facts.

New Delhi, the 13th July, 1970

S. O. 2452.—In exercise of the powers conferred by sub-section (1) of section 5 of the **Delhi Special Police Establishment Act, 1946** (25 of 1946), the Central Government hereby extends to the States of Andhra Pradesh, Assam, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Mysore, Nagaland, Orissa, Rajasthan and Uttar Pradesh the powers and jurisdiction of the members of the Delhi Special Police Establishment for the investigation of any of the offences specified in the Schedule below.

THE SCHEDULE

- (a) Offences punishable under sections 124-A and 505 of the Indian Penal Code, 1860 (45 of 1860) ;
- (b) attempts, abetments and conspiracies in relation to or in connection with any of the offences mentioned in clause (a).

S. O. 2453 —In exercise of the powers conferred by sub-section (1) of section 5 of the **Delhi Special Police Establishment Act 1946** (25 of 1946), the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Mysore, Nagaland, Orissa, Rajasthan, Uttar Pradesh and West Bengal for the investigation of any of the offences specified in the Schedule below :—

THE SCHEDULE

- (a) Offences punishable under sections 500, 501 and 502 of the Indian Penal Code, 1860 (45 of 1860) ;
- (b) attempts abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

Published in the *Gazette of India*, Ext., Part II—Sec 3(i), No. 156
dated August 29, 1970/Bhadra 7, 1892

MINISTRY OF EXTERNAL AFFAIRS

G. S. R 1267.—New Delhi, the 28th August, 1970—In exercise of the powers conferred by section 24 of the Passports Act, 1967 (15 of 1967), the Central Government hereby makes the following rules further to amend the Passports Rules 1967 namely :—

1. (1) These rules may be called the **Passports (Second Amendment) Rules, 1970**

(2) They shall come into force on the date of their publication in the Official Gazette.

In Schedule II of the Passports Rules, 1967, under the heading "Part I—Passports", in the Table, for item III and the entries relating thereto the following item and the entries relating thereto shall be substituted, namely :—

"III. Diplomatic Passports (1) (a) Officers of the Indian Foreign Service (Branch, A).

(b) Such officers of the Indian Foreign Service (Branch B) and other officers of the Ministry of External Affairs and other Ministries or Departments of the Government of India who are proceeding abroad on official business or are posted to Indian Missions or Posts abroad as may be determined by the Central Government.

(c) The following members of the family of an official referred to in (a) and (b) above when travelling with, or joining, such officer at his post abroad, namely :—

Wife or official hostess, husband, dependent sons under 24 years and dependent unmarried daughter's, dependent father and mother.

Note.—Any member of the family referred to in (c) above of an officer who is actually holding a diplomatic assignment abroad may also issued a diplomatic passport for staying in a country other than the country of accreditation of the officer for study or other approved purposes; a diplomatic passport issued in such a case shall, however, be surrendered when the diplomatic assignment of the officer is terminated or when the officer is posted back to the headquarters

(2) (a) A person having or having been granted a diplomatic status, either because of the nature of his foreign mission or because of the position he holds, as may be determined by the Central Government.

(b) Wife or husband dependent sons under 24 years and dependent unmarried daughters of a person referred to in (a) above when accompanying the said person."

Published in the *Gazette of India*, Ext., Part II—Sec. 3(i), No. 151,
dated August 25, 1970/Bhadra 3, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G. S. R 1228 —(New Delhi, the 25th August, 1970)—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Southern States (Regulation of Export of Rice) Order, 1964, namely:—

1. (1) This Order may be called the **Southern States (Regulation of Export of Rice) Amendment Order, 1970.**

(2) It shall come into force at once.

2. In the Southern States (Regulation of Export of Rice) Order, 1964, for clause 3, the following clause shall be substituted namely :—

"3. *Restrictions on Export of Rice from specified area.*—No person shall export or attempt to export or abet the export of rice from any place within a specified area to a place outside that area except under, and in accordance with a permit issued by :—

(i) the Central Government or by an officer authorised by it in this behalf ; or

(ii) the State Government concerned or by an Officer authorised in this behalf by that Government subject to the condition that such exports under permits shall be regulated in accordance with such directions as may be issued by the Central Government in this behalf from time to time."

Published in the *Gazette of India*, Ext., Part-II Sec. 3 (ii), No.

288, dated August 10, 1970/Sarvona 19,1892.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL
TRADE

S O. 2733.—New Delhi, the 10th August 1970—In exercise of the powers conferred by sub-section (1) of section 15 of the **Forward Contracts (Regulation) Act, 1952** (74 of 1952), the Central Government hereby declares that the said section shall apply to gur in the whole of India, and fixes under clause (a) of section 16 of the said Act, the rate prevailing at the time at which the forward market in gur closed on the date of this notification, or if there was no trading on that date, on the last preceding date of trading, as the rate at which any such forward contract entered into on or before the date of this notification and remaining to be performed after the said date shall be deemed to be closed.

S.O. 2734.—Whereas the Central Government is of the opinion that in the interest of the trade and in the public interest it is expedient to regulate and control non-transferable specific delivery contracts in respect of gur;

Now, therefore in exercise of the powers conferred by sub-section (3) of section 18 of the **Forward Contracts (Regulation) Act, 1952** (14 of 1952), the Central Government hereby declares that the provisions of sections 5 to 14 (both inclusive) and section 15 of the said Act shall apply to non-transferable specific delivery contracts in respect of gur in the whole of India and specifies that the said provisions shall apply if such non-transferable specific delivery contracts are regulated or controlled by an association.

Published in the *Gazette of India*, Part II—Sec. 3 (ii), No. 35, dated

August 29 1970/Bhadra 7, 1892.

MINISTRY OF HOME AFFAIRS

S. O. 2839.—New Delhi, the 17th August, 1970—In pursuance of clause (c) of sub-section (1) of section 2 of the **Citizenship Act, 1955** (57 of 1955), the Central Government hereby declares the Canadian Citizenship Act (as embodied in the 1968 Office Consolidation of the Canadian Citizenship Act) to be an enactment making provision for the citizenship of Canada.

S. O. 2857 —New Delhi, the 14th August, 1970—In pursuance of paragraphs 22 and 23 of the **Drugs (Prices Control) Order, 1970**, the Central Government hereby authorises the following officers to exercise the functions and powers specified in the said paragraphs within their respective jurisdiction, namely :—

- (i) The Deputy Drugs Controller, West Zone, Bombay.
- (ii) The Deputy Drugs Controller, East Zone, Calcutta.
- (iii) The Deputy Drugs Controller, Northern Zone, Ghaziabad.
- (iv) The Deputy Drugs Controller, South Zone, Madras.
- (v) The Drugs Inspectors, Bombay, Calcutta, Ghaziabad and Madras.

Published in the *Gazette of India*, Part II—Sec 3 (i), No. 39, dated September 26, 1970/Asvina 4, 1892.

G.S.R. 1697.—In exercise of the powers conferred by Section 4 of the **Khuda Bakhsh Oriental Public Library Act 1969** (43 of 1939), the Central Government hereby establishes the Khuda Bakhsh Oriental Public Library Board with effect from the 21st day of July, 1970.

G S R. 1698 —In exercise of the powers conferred by sub-section (2) of section 1 of the **Khuda Bakhsh Oriental Public Library Act 1969** (43 of 1969), the Central Government hereby appoints the 21st day of July, 1970 as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Part II—Sec. 3 (i), No. 39, dated September 26, 1970/Asvina 4, 1892.

G.S.R. 1689.—In exercise of the powers conferred by section 44 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely:—

1. (1) These rules may be called the **Arms (Second Amendment) Rules, 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Arms Rules, 1962,—

(a) in rule 21, in sub rule (3), for the words “convert or repair”, the words “repair or test” shall be substituted;

(b) in Schedule II, in column 2, against item No. 10, for the word “conversion”, the words and brackets “conversion (except firearms)” shall be substituted;

(c) in Schedule III, in Form XI,—

(i) in the heading for the word “convert”, the words and brackets “convert (except firearms)” shall be substituted;

(ii) in condition 1 (b) under the heading “Conditions”, for the words “conversion or repair of firearms or” the words “repair of firearms or conversion or repair of” shall be substituted.

Published in the *Gazette of India*, Part II—Sec. 3 (ii) No 38, dated September 19 1970/Bhadra 28, 1892.

CABINET SECRETARIAT

S.O 3008 —In exercise of the powers conferred by section 3 of the **Delhi Special Police Establishment Act, 1946** (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment namely:—

(a) Offences punishable under section 6 of the Aircraft Act, 1934 (22 of 1934);

(b) attempts, abetments and conspiracies in relation to, or in connection with, the offences mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

S O. 3009.—New Delhi, 3rd September 1970—In exercise of the powers conferred by sub-section (1) of section 5 of the **Delhi Special Police Establishment Act 1946** (25 of 1946), the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Mysore, Nagaland, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal for the investigation of the offence specified below, namely:—

(a) Offences punishable under section 6 of the Aircraft Act, 1934 (22 of 1934).

(b) Attempts, abetments and conspiracies in relation to, or in connection with the offences, mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

Published in the *Gazette of India*, Ext., Part II—Sec. 3 (i), No. 153, dated August 28, 1970/Bhadra 6, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO OPERATION

G.S.R. 1263.—New Delhi, the 28th August 1970—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following Order further to amend the Manipur Foodgrains (Movement) Control Order, 1956, namely:—

1. (1) This Order may be called the **Manipur Foodgrains (Movement) Control (Amendment) Order, 1970**.

(2) It shall come into force at once.

2. In clause 3 of the Manipur Foodgrains (Movement) Control Order, 1956,—

(i) sub-clause (2) shall be omitted;

(ii) in the proviso for the words, brackets and figures in sub-clauses (1) and (2)", the words, brackets and figure "in sub-clause (1)" shall be substituted.

Published in the *Gazette of India*, Part II—Sec. 3 (i), No. 35, dated August 29, 1970/Bhadra 7, 1892.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 1252.—New Delhi, the 17th August 1970—In exercise of the powers conferred by section 41 of the **Warehousing Corporations Act, 1962** (58 of 1962), the Central Government hereby makes the following rules further to amend the Central Warehousing Corporation Rules, 1963, namely:—

1. These rules may be called the **Central Warehousing Corporation (Second Amendment) Rules 1970**.

2. In the Central Warehousing Corporation Rules, 1963, after rule 45 the following rule shall be added, namely:—

"46 *Furnishing of accounts returns etc.*—The Corporation shall furnish such accounts, returns and other information with respect to its property and activities as may be called for by the Central Government from time to time."

G. S. R. 1250.—New Delhi, the 29th August, 1970—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the **Central Excise (Eleventh Amendment) Rules, 1970**,

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 173G of the Central Excise Rules, 1944, in sub rule (1), for clause (i) of the proviso the following clause shall be substituted, namely :—

“(1) the duty due on the goods consumed within the factory in a continuous process may be so paid at the end of the factory day, except that in the case of cotton yarn in respect of which duty is payable in accordance with the provisions of sub-rule (1) of rule 96W the duty due may be paid by the manufacturer in accordance with the provisions of the said rule”.

Published in the *Gazette of India*, Part I-Sec. 3(ii), No. 1, dated January 3, 1970/Paua 13 1891.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

S. O. 19.—New Delhi, the 22nd December, 1969—In pursuance of section 12A of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby specifies the **Mysore Kerosene Dealers Licensing Order, 1969** made by the State Government of Mysore to be a Special Order for purposes of summary trial under the said section.

Published in the *Gazette of India*, Ext., Part II-Sec. 3(i), No. 14, dated January 31, 1970/Magha 11, 1891.

MINISTRY OF FINANCE

G. S. R. 183 —New Delhi, the 31st January, 1970—In exercise of the powers conferred by section 37 of the Central Excise and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the **Central Excise (Fourth Amendment) Rules, 1970**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Central Excise Rules, 1944, in clause (ii) (A) —

(a) for sub-clause (i), the following sub-clause shall be substituted, namely :—

“(i) in the State of Rajasthan and in the Union territory of Delhi, the Collector of Central Excise, Delhi ;”

(b) after sub-clause (s), the following sub-clause shall be inserted, namely :—

“(t) in the States of Punjab, Haryana and Jammu and Kashmir and in the Union territories of Himachal Pradesh and Chandigarh, the Collector of Central Excise Chandigarh.”

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 414, dated December 31, 1969/Paua 10, 1891.

MINISTRY OF FOREIGN TRADE

S. O. 5061.—New Delhi, the 31st December, 1969—In exercise of the powers conferred by section 3 of the Imports and Exports (Control)

Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely :—

1. This Order may be called the **Exports (Control) Twenty-third Amendment Order, 1969**

2. In the Exports (Control) Order, 1968, in Schedule I, Part B, after sub-item No. 87(iv), the following sub-item shall be added :—

“(v) Foodgrain seeds including Wheat Seeds.”

Published in the *Gazette of India*, Part II—Sec. 3(ii), dated March 7, 1970/Phalguna 16, 1891.

MINISTRY OF HOME AFFAIRS

S. O. 840.—New Delhi, the 24th February, 1970.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely :—

1. (1) These rules may be called the **Authentication (Orders and other Instruments) Second Amendment Rules, 1970.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, for clause (25) the following clause shall be substituted, namely :—

“(25) in the case of orders and other instruments relating to the Ministry of Irrigation and power, by the Director (Foreign Exchange and Power), by the Director (Foreign Exchange and Deputy Director (Power) or Budget Officer in that Ministry : or”.

Published in the *Gazette of India*, Part II—Sec. 3(i), No. 1, dated January 3, 1970/Pausa 13, 1891

G. S. R. 5.—New Delhi, the 20th December, 1969.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), and in continuation of the notifications of the Government of India in the Ministry of Home Affairs No. S. R. O. 1223, dated the 12th April, 1957, and G. S. R. 1298, dated the 4th September, 1965, Central Government hereby further extends to the Union Territory of Delhi, section 151A of the Bombay Police Act, 1951 (Bombay Act No. XXII of 1951), as in force in the State of Maharashtra at the date of this notification.

ANNEXURE

Section 151A of the Bombay Police Act, 1951, as in force in the State of Maharashtra, as extended to the Union Territory of Delhi.

151A — *Summary disposal of certain cases* — (1) A Court taking cognizance of an offence punishable under section 117, or under paragraphs (iii), (iv) or (v) of section 131, may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum, not exceeding twenty-five rupees, as the Court may specify.

(2) Where an accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.

Published in the *Gazette of India*, Ext. Part II—Sec. 3 (i), No. 133
dated July 30, 1970/Srawana 8, 1892.

MINISTRY OF FINANCE

G.S.R. 1118.—New Delhi, the 30th July 1979—In exercise of the powers conferred by sub-section (1) of section 25 of the *Customs Act 1962* (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts Coir Fibre, falling under Item No. 27(i) of the Second Schedule to the *Indian Tariff Act, 1934* (32 of 1934), when exported from India, from the whole of the duty of customs leviable thereon under the second mentioned Act.

Published in the *Gazette of India* Ext. Part II Sec. 3 (i), No. 150
dated 15th August 1970/Srawana 24, 1822.

MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 1179.—New Delhi the 12th August 1970—In exercise of the powers conferred by section 3 of the *Essential Commodities Act, 1955* (10 of 1955), the Central Government hereby rescinds the *Madhya Pradesh Rice Procurement (Levy) Order 1960* published with the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food), G.S.R. 1405 dated the 24th November 1960:

Provided that such rescission shall not affect—

(a) the previous operation of the Order or anything duly done or suffered thereunder; or

(b) any privilege, obligation or liability acquired, accrued or incurred under the said Order; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been rescinded,

Published in the *Gazette of India*, Ext. Part II—Sec. 3(i), No. 138,
dated July 31, 1970/Srawana 9, 1892

MINISTRY OF HOME AFFAIRS

G. S. R. 1119. - New Delhi, the 31st July, 1970—In exercise of the powers conferred by sub-section (2) of section 6 of the *Bengal Finance (Sales Tax) Act, 1941* (Bengal Act 6 of 1941) as in force in the Union territory of Delhi; the following further amendments in the Second Schedule to the said Act, the same having been previously published in the *Gazette of India Extraordinary* as G. S. R. 1058 dated the 14th July, 1970 as required by the said sub-section, namely:—

In the said Schedule, for item No. 17, the following item and the Explanation shall be substituted namely:—

"17. All varieties of cotton fabrics, rayon or artificial silk fabrics and woollen fabrics but not including durries, druggets and carpets.

Explanation.—The expressions "cotton fabrics", "rayon or artificial silk fabrics" and "Woollen fabrics" shall be the same meaning as are,

respectively assigned to them in the Central Excises and Salt Act, 1944 (1 of 1944).

Published in the *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 101,
dated March 18, 1970/Phalguna 27, 1891.

**MINISTRY OF PETROLEUM, CHEMICALS AND MINES AND
METALS**

S. O. 1100.—New Delhi, the 18th March, 1970—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely :—

1. *Short title and commencement.*—(1) This Order May be called the **Petroleum Products (Maintenance of Production) Order, 1970**

(2) It shall come into force on 18th March, 1970.

2. *Definition.*—In this Order, unless the context otherwise requires,—

(a) “oil refining company” means any of the companies specified in the Schedule annexed to this Order;

(b) “petroleum products” means,—

- (1) Aviation Spirit,
- (2) Aviation Turbine Fuel,
- (3) Fuel Oil,
- (4) High Speed Diesel Oil,
- (5) Light Diesel Oil,
- (6) Inferior Kerosene,
- (7) Superior Kerosene,
- (8) Motor Spirit,
- (9) Naphtha,
- (10) Solvents, including Mineral Turpentine Oil,
- (11) Jute Batching Oil,
- (12) Mosquito Larvicidal Oil,
- (13) Tea Drier Oil,
- (14) Bitumen/Asphalt,
- (15) Wax.

3. *Maintenance of production of petroleum products.*—(1) Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by order in writing, direct any oil refining company engaged in the business of producing any petroleum product for a continuous period of any twelve months during three years immediately preceding the commencement of this Order, to maintain or cause to be maintained the production of such product;

Provided that before making any such order the Central Government may require the said oil refining company by notice in writing to make representation, if any, against the proposed action within a period of 30 days from the date of receipt of the notice aforesaid.

(2) (a) The direction under sub-clause 1 may provide for the maintenance of the production of any petroleum product for such period and in such quantities or proportions and of such specification as may be specified therein.

(b) Such direction may also contain such supplemental or incidental provisions as the Central Government may consider necessary.

(3) In issuing the direction under sub-clause (1), the Central Government shall have regard to :—

- (i) the capacity of oil refining company to produce any petroleum product or products on the date of issuing such direction;
- (ii) the average quantity of production of such product or products of the company during a period of any one year after taking into account seasonal fluctuations in production.
- (iii) any other relevant factor.

4. *Compliance with directions.*—Every oil refining company to which the direction is issued under this Order shall comply with such directions.

5. *Direction not to be issued in certain circumstances.*—Notwithstanding anything contained in clause 3, no direction shall be issued to any company which has been prevented from producing any petroleum product or products by reason of strike, gheraos, defect in machinery or any other circumstance beyond its control which has rendered the production impossible.

SCHEDULE

1. Burmah-Shell Refineries Limited, a company incorporated in India.
2. Esso Standard Refinery Company of India Limited, a company incorporated in India.
3. Caltex Oil Refinery (India) Limited, a company incorporated in India.
4. Assam Oil Company Limited, a company incorporated in the United Kingdom.
5. Indian Oil Corporation Limited, a company incorporated in India.
6. Cochin Refineries Limited, a company incorporated in India.
7. Madras Refineries Limited, a company incorporated in India.

Published in *Gazette of India*, Ext., Part II-Sec. 3(ii), No. 348,
dated September 18, 1970/Bhadra 27, 1892.

MINISTRY OF SHIPPING AND TRANSPORT (TRANSPORT WING)

S. O. 3123.—New Delhi, the 18th September, 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Motor Vehicles Act, 1969** (56 of 1969), the Central Government hereby appoints the 1st day of October, 1970 as the date on which the provisions of sections 13, clause (a) of section 16, clause (c) of section 29, sections 36 and 37, sub-clause (i) of clause (a) of section 41, sections 44, 45 and 56 of the said Act shall come into force.

Published in the *Gazette of India* Ext., No. 164, dated September,
22, 1970/Bhadra 31, 1892.

MINISTRY OF HOME AFFAIRS

G. S. R. 1718.—New Delhi, the 22nd September, 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of **Registration of Births and Deaths Act, 1969** (18 of 1969), the Central Government hereby appoints the first day of October, 1970, as the date on which the said Act shall come into force in the following areas of Jammu and Kashmir State :

1. The area comprised within the jurisdiction of the police station of Ramnagar in Udhampur district.
2. The area comprised within the jurisdiction of the police station of Kupwara in Baramulla district.

3. The area comprised within the limits of the Municipalities of Jammu and Srinagar.

4. The area comprised within the limits of Town/Area Committees of Anantnag, Kathua and Leh.

Published in the *Gazette of India*, Extra Part II—Sec. 3(i), No 166, dated September, 26, 1970/Asvina 4, 1892.

MINISTRY OF LAW

G. S. R. 1720.—New Delhi, the 26th September, 1970.—In exercise of the powers conferred by Explanation 1 to section 44 A of the *Code of Civil Procedure, 1908* (5 of 1908), the Central Government hereby declares, with effect on and from the 26th September, 1970, the Territory of Papua and New Guinea to be reciprocating territory for the purposes of the said section and specifies the Supreme Court of the Territory of Papua and New Guinea as a superior Court with reference to such territory.

Published in the *Gazette of India*, No. 42, dated October 17, 1970/Asvina 25, 1892.

MINISTRY OF FOREIGN TRADE

S. O. 3351.—New Delhi, the 16th September, 1970.—In exercise of the powers conferred by sub-clause (1) of clause 21 C of the *Cotton Textile Control Order, 1948*, the Central Government hereby specifies:—

(i) 6 paise per square metre as the rate for the purposes of paragraph (b) of sub-clause (1) of clause 21 C aforesaid; and

(ii) 5 paise per square metre for grey dhoti and saree and 3 paise per square metre for other varieties as the rates for the purposes of paragraph (a) of sub-clause (1) of clause 21 C aforesaid; for the quarter ending with 30th April, 1970.

S. O. 3352.—In exercise of the powers conferred by sub-clause (1) of clause 21 C of the *Cotton Textiles (Control) Order, 1948*, the Central Government hereby specifies:—

(i) 6 paise per square metre as the rate for the purposes of paragraph (b) of sub-clause (1) of clause 21 C aforesaid; and

(ii) 6 paise per square metre for grey dhoti and saree and 4 paise per square metre for other varieties as the rates for the purposes of paragraph (a) of sub-clause (1) of clause 21 C aforesaid;

for the quarter ending with 31st July, 1970.

Published in the *Gazette of India*, Part II—Sec. 3 (ii), No 42, dated

October 17, 1970/Asvina 25, 1892.

MINISTRY OF LABOUR EMPLOYMENT AND REHABILITATION

S. O. 3374.—New Delhi, the 22nd September 1970.—The Custodian General in exercise of the powers conferred on him by sub-section (3) of Section 55 of the *Administration of Evacuee Property Act 1950* (31 of 1950), hereby delegates with immediate effect to the Financial Commissioner (Taxation) and Deputy Secretary to the Government of Punjab, Rehabilitation Department who stand appointed as Assistant Custodian General under the Act, the following powers of the Custodian General:—

(1) Powers under Section 24 and 27 of the Act

(2) Powers of approval of transfer of any evacuee property under

Section 10(2)(o) of the Act.

(3) Power of transfer of cases under Rule 30-A of the Administration of Evacuee Property (Central) Rules, 1950.

Published in the *Gazette India*, Ext., No. 818, dated September 2, 1970/Bhadra 11, 1892.

MINISTRY OF FOREIGN TRADE

S. O. 2968.—New Delhi, the 2nd September 1970.—In exercise of the powers conferred by Section 3 of the Imports & Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Export (Control) Order, 1968, namely :—

1. This Order may be called the Exports (Control) Eighth Amendment Order, 1970.

2. In the Exports (Control) Order, 1968 in Schedule I Part 'B' after sub-item (w) of item No. 1(iii), the following sub-item shall be added :

“(x) Buntings.”

Published in the *Gazette of India*, Part II—Sec. 3 (ii) No. 43, dated October 24, 1970/Kartika 2, 1892.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE

S. O. 3427—New Delhi, the 6th October 1970.—In exercise of the powers conferred by section 28 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby makes the following rules further to amend the Forward Contracts (Regulation) Rules, 1954, namely :—

1. These rules may be called the Forward Contracts (Regulation) Amendment Rules, 1970

2. In the Forward Contracts (Regulation) Rules, 1954, after rule 12, the following rule shall be added, namely :—

“13. *Communication of information relating to offence.*—The Commission shall communicate information in respect of the commission of any offence under the Act to the concerned authorities and assist such authorities in scrutinising the documents referred to by them and in rendering such expert advice as may be required by them”.

published in the *Gazette of India* Part-II—Sec 3 (i), No. 43, dated October 24 1970/Kartika 2, 1892

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS HOUSING AND URBAN DEVELOPMENT

G. S. R. 1809.—Whereas certain draft rule further to amend the Prevention of Food Adulteration Rules, 1955 were published as required by sub-section (i) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) at pages 1792 to 1804 of the *Gazette of India*, Part II, Section 3, sub-section (i) dated the 23rd May, 1970, under the notification of Govt. India in the Ministry of Health and Family Planning and Works, Housing and Urban Development (Deptt. of Health) No. G.S.R. 811 dated the 5th May, 1970 inviting objections and suggestions from all persons likely to be affected thereby till the 30th June, 1970;

And whereas the said *Gazette* was made available to the public on the 23rd May, 1970;

And whereas the date specified for the purpose of inviting objection or suggestion has been extended from 30th June, 1970 to 8th September, 1970.

And whereas the objections and suggestions received from the public on items (v), (vi) and (vii) of clause (n) of rule 2 of the draft rules to amend the Prevention of Food Adulteration Rules 1955 have been considered by the Central Government ;

Now therefore, in exercise of the powers conferred by sub-section (2) of section 4, and sub-section (1) of section 23 of the said Act, the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely:—

RULES

1. (1) These rules may be called the **Prevention of Food Adulteration (Amendment) Rules, 1970.**

(2) These shall come into force on the date of their publication in the Official Gazette.

2. In Appendix B to the Prevention of Food Adulteration Rules, 1955,—

(i) for item A .18.01 the following item shall be substituted namely:—

“A 18.01. Atta means the coarse product obtained by milling or grinding wheat. It shall conform to the following standards;

(a) Moisture—not more than 14.0 per cent (when determined by heating 130–133° C for 2 hours).

(b) Total ash (on—not more than 2.0 percent dry weight basis).

(c) Ash insoluble in dilute HCL—Not more than (on dry weight basis) 0.15 per cent.

(d) Gluten (on dry weight basis)—Not less than 6.0 per cent.

(e) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—not more than 0.18 percent.

Rodent hair and excreta shall not exceed 5 pieces per kg”;

(ii) for item A.18.02, the following item shall be substituted namely:—

A.18.02 “Maida (wheat flour) means the fine product made by milling or grinding wheat and bolting or dressing the resulting wheat meal. It shall conform to the following standards;

(a) Moisture—not more than 14.0 per cent (when determined by heating at 130–133° C for 2 hours).

(b) Total ash (on dry weight basis)—Not more than 1.0 per cent.

(c) Ash insoluble in dilute HCL (on dry weight basis)—Not more than 0.1 per cent.

(d) Gluten (on dry weight basis)—Not less than 7.5 per cent.

(e) Alcoholic acidity (with 90 percent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0.18 per cent.

Rodent hair and excreta shall not exceed 5 pieces per kg”;

(iii) for item A.18.03, the following item shall be substituted namely ;—

“A. 18.03 *Semolina* (Suji or Rawa) means that product prepared from wheat by process of grinding and bolting. It shall be free from musty smell and off-odour and shall be creamy yellow in colour. It shall conform to the following standards ;—

(a) Moisture—Not more than 14.5 per cent (when determined by heating at 130–133°C for 2 hours).

- (b) Total ash (on dry weight basis)—Not more than 1.0 per cent.
 - (c) Ash insoluble in dilute HCL (on dry weight basis)—Not more than 0.1 per cent.
 - (d) Gluten (on dry weight basis)—Not less than 6.0 per cent.
 - (e) Alcoholic acidity (with 90 per cent alcohol) expressed H₂SO₄ (on dry weight basis)—Not more than 0.18 per cent.
- Rodent hair and excreta shall not exceed 5 pieces per kg."

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION
G.S.R. 1865.—New Delhi, the 11th September 1970.—In exercise of the powers conferred by Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby makes the following rules further to amend the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, namely :—

1. These rules may be called the **Displaced Persons (Compensation and Rehabilitation) Rules, 1970**

2. In the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, after Chapter IV, the following Chapter shall be inserted, namely :—

"CHAPTER IV—A

21A. *Period within which the amount of deduction payable*—The period within which the amount of deduction is to be paid to the Central Government under the proviso to sub-section (1) of section 8A of the Act shall be six months of the determination of the Principal sum for which the property was mortgaged.

21B. *Determination of the value of the property to be surrendered*.—In determining the value of any portion of any property to be surrendered by the displaced person under clause (b) of the second proviso to sub-section (1) of section 8A of the Act, the Settlement Commissioner shall have due regard to the value already assigned to such property and the manner of its determination at the time of its allotment to the displaced person."

Amendment No. LXXXVII dated 11th September 1970.

Published in the *Gazette of India, Ext.*, No. 146 dated August 5, 1970, Sravana 14, 1892.

MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO-OPERATION

G.S.R. 1154.—New Delhi, the 30th July, 1970.—In exercise of the powers conferred by clause (a) of section 2 of the **Produce Cess Act 1966** (15 of 1966), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation Department of Agriculture) No. GSR 884 dated 28th March, 1969, namely :—

In the Table to the said notification,

(i) in the entries relating to S. No. 9, in column 3, for the existing entry, the following entry shall be substituted, namely :—

"The State of Rajasthan and the Union Territory of Delhi."

(ii) after S. No. 19 and the entries relating thereto, the following S. No. and entries shall be inserted, namely :—

1	2	3	4
20	Collector of Central Excise Chandigarh.	The States of Punjab Haryana and Jammu and Kashmir and the Union Territories of Himachal Pradesh and Chandigarh.	Oilseeds and Copra."

Published in the *Gazette of India* Part II—sec. 3(II), No. 40, dated October 3, 1970/Asvina 11, 1892.

DEPARTMENT OF REVENUE AND INSURANCE

S.O. 3198—New Delhi, the 26th September 1970.—Whereas the Legislature of the State of Uttar Pradesh has passed the resolution under clause (i) of article 252 of the Constitution, adopting the amendments made to, or in relation to, the Estate Duty Act, 1953 (34 of 1953), by—

- (i) the Central Boards of Revenue Act, 1963 (51 of 1963),
- (ii) the Finance Act, 1964 (5 of 1964),
- (iii) the Taxation Laws (Continuation and Validation of Recovery Proceedings) Act, 1964 (11 of 1964),
- (iv) the Direct Taxes (Amendment) Act, 1964 (31 of 1964),
- (v) the Finance Act, 1965 (10 of 1965),
- (vi) the Finance (No. 2) Act 1965 (15 of 1965),
- (vii) the Taxation laws (Amendment and Miscellaneous Provisions) Act, 1965 (41 of 1965), and
- (viii) the Finance Act, 1966 (13 of 1966),

in so far as they relate to estate duty in respect of agricultural lands situate in the territories comprised in the said State;

Now, therefore, in pursuance of the provisions contained in clause (b) of sub-section (2A) of section 5-A of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby specifies the State of Uttar Pradesh to which the above mentioned amendments shall apply, and shall be deemed to have applied on and from the dates on which the amendments made by each of the Acts aforesaid respectively took effect, to estate duty in respect of agricultural lands situate in its territories.

Published in the *Gazette of India*, Part II—Sec. 3 (I), No. 44, dated October 31, 1970/Kartika 9, 1892.

SUPREME COURT OF INDIA

G.S.R. 1857.—New Delhi, the 20th October 1970.—In exercise of the powers conferred by article 145 of the Constitution and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966 namely :—

1. (i) These rules may be called the **Supreme Court (Second Amendment) Rules, 1970.**

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966:—

(1) In Order II,—

(i) for rule 3, the following rule shall be substituted, namely :—

“3. Except on the days which are holidays both for the Court and the offices of the Court, the offices of the Court shall be open during

summer vacation and Christmas and New Year holidays of the Court at such times as the Chief Justice may direct."

(ii) for sub-rule (3) of rule 4, the following sub-rule shall be substituted, namely:—

"(3) The length of the summer vacation of the Court and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the Official Gazette so as not to exceed one hundred and three days (excluding Sundays not falling in the vacation and during holidays)."

MINISTRY OF FOREIGN TRADE

S.O. 3517.—*New Delhi the, the 12th October 1970.*—In exercise of the powers conferred by sub-section (1) of clause 21C of the **Cotton Textiles (Control) Order, 1948**, the Central Government hereby specifies:—

(i) 6 paise per square meter as the rate for the purposes of paragraph (b) of sub-clause (1) of clause 21C aforesaid; and

(ii) 6 paise per square meter for grey dhoti and saree and 4 paise per square metre for other varieties as the rates for the purposes of paragraph (a) of sub-clause (1) of clause 21C aforesaid; for the quarter ending with 31st October, 1970.

Published in the *Gazette of India*, Part II—Sec. 3(ii) No. 40, dated October 3, 1970/Asvina 1, 1892,

S.O. 3195.—*New Delhi, the 7th September, 1970*—In exercise of the powers conferred by sub-section (2) of section 58 of the **Gold (Control) Act 1968** (45 of 1968), the Central Government hereby empowers—

(a) every Gold Control Officer of and above the rank of Assistant Commissioner and Extra Assistant Commissioner in the North East Frontier Agency area, and

(b) every Gold Control Officer of and above the rank of Tehsildar in the district of Ladakh in the State of Jammu and Kashmir for the purposes of the said sub-section.

S.O. 3193.—In exercise of the powers conferred by sub-section (2) of section 4 of the **Gold (Control) Act, 1968** (45 of 1968), the Central Government hereby appoints all officers of and above the rank of Circle Officer in the North East Frontier Agency area, and all revenue officers of and above the rank of Naib Tehsildars in the district of Ladakh in the State of State of Jammu and Kashmir, as Gold Control Officers for the purpose of enforcing the provisions of the said Act respectively in the North East Frontier Agency area and in the district of Ladakh.

S.O. 3189.—*New Delhi, 21st August 1970.*—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the **Contributory Provident Fund Rules (India) 1962**, namely:—

1. (1) These rules may be called the **Contributory Provident Fund (India) (Fourth Amendment) Rules, 1970.**

(2) They shall come into force on the date of their publication in the **Official Gazette.**

2. To sub-rule (2) of rule 37 of the Contributory Provident Fund Rules (India), 1952, the following proviso shall be added, namely:—

“Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall, under the orders of the Collector, be made in terms of sub-section (1) of Section 95 of the Indian Lunacy Act, 1912, to the person having charge of such lunatic and the Account Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.”

Published in the *Gazette of India*, Part II—Sec. 3 (ii), dated October 3, 1970/Asvina 11, 1892.

CENTRAL BOARD OF DIRECT TAXES

S.O. 3200.—New Delhi, the 26th September 1970.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of all previous notifications relating to the jurisdiction of Assistant Controllers of Estate Duty, Patna and Ranchi, the Central Board of Direct Taxes hereby revise the jurisdictions of the two Assistant Controllers of Estate Duty, Patna and Ranchi as under:—

(i) The Assistant Controller posted to the Estate Duty—~~com~~ Income-tax Circle, Patna shall perform his functions as Assistant Controller in respect of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lie within revenue districts of Patna, Shahabad, Muzaffarpur, Darbhanga, Purnea, Saharsa, Saran and Champaran.

(ii) The Assistant Controller posted to the Estate Duty—~~com~~ Income-tax Circle, Ranchi shall perform his functions as Assistant Controller in respect of the estates of all deceased persons who, immediately before their death were being or would have been assessed to Income-tax had they derived any taxable income in any Income-tax Circle, the headquarters of which lie within the revenue districts of Ranchi, Palamu, Hazaribagh, Singhbhum, Dhanbad, Bhagalpur, Monghyr, Gaya and Santhal Parganas.

This Notification shall come into force from 1st October, 1970.

Published in the *Gazette of India*, Ext., Part II—Sec 3(i), No. 166A, dated September, 29, 1970/Asvina 7, 1892

MINISTRY OF FINANCE

G S R. 1720—A.—New Delhi, the 29th September 1970.—In exercise of the powers conferred by sub-section (1) of section 13 of the Central Sales Tax Act, 1956 (74 of 1956), the Central Government hereby makes the following rules further to amend the Central Sales Tax (Registration and Turnover) Rules, 1957, namely:—

1. These rules may be called the Central Sales Tax (Registration and Turnover) (Amendment) Rules, 1970.

2. In the Central Sales Tax (Registration and Turnover) Rules, 1957, in the first proviso to sub-rule (1) of rule 12, for the figures, letters and word “30th September, 1970”, the figures, letters and word “30th September, 1971” shall be substituted.

Published in the *Gazette of India* Ext., Part II-Sec. 3 (ii), No. 330,
dated October 20, 1970/Asvina 28, 1892

MINISTRY OF FOREIGN TRADE

S.O. 3685.—New Delhi, the 20th October, 1970.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Imports (Control) Order, 1955; namely :—

1. This Order may be called the **Imports (Control) Second Amendment Order, 1970**

2. In the Imports (Control) Order, 1955, for sub-clause 5(3) (iii). the following sub-clause shall be substituted, namely :—

“(iii) the goods for the import of which a licence is granted shall be new goods, other than disposal goods, unless otherwise stated in the licence.”

Published in the *Gazette of India* Ext, Part II-Sec 3(i), No. 173
dated October 13, 1970/Asvina 21, 1892

MINISTRY OF EXTERNAL AFFAIRS

G. S. R. 1793 —New Delhi, the 28th September 1970.—In exercise of the powers conferred by section 24 of the Passports Act, 1967 (15 of 1967), the Central Government hereby makes the following rules further to amend Passports Rules, 1967, namely :—

1. These rules may be called the **Passports (Third Amendment) Rules, 1970.**

2. In Schedule II to the Passports Rules, 1967, under the heading “PART I—PASSPORTS”, in column 2 against serial No. II relating to Official Passports”,

(a) for item (2), the following item shall be substituted, namely:—

“(2) (a) Heads of the Reserve Bank of India, State Bank of India, nationalized banks and Corporations, Undertakings and any other Institutions owned or controlled by the State, proceeding out of India on official work;

(b) Other officials of such organisations only if the Government of India considers it necessary to issue official passports in the interest of their functioning as such.”

(b) In “Note”, paragraph (a) shall be omitted

Published in the *Gazette of India* Ext., Part II-Sec., 3 (ii), No. 384,
dated October 22, 1970/Asvina 30, 1892.

MINISTRY OF FINANCE

S.O. 3489.—New Delhi, the 22nd October 1970.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194A of the **Income-tax Act, 1961** (43 of 1961) the Central Government hereby notify the following for the purposes of the said sub-clause :

(i) any corporation established by a Central, State or Provincial Act.

(ii) any company in which all the shares are held (whether singly or taken together) by the Government or the Reserve Bank of India or a Corporation owned by that Bank; and

(iii) any undertaking or body, including a society registered under the Societies Registration Act, 1860 (21 of 1860), financed wholly by the Government.

Published in the *Gazette of India*, Ext., Part II—Sec. 3 (i), No. 187,
dated October 30, 1970/Kartika 8, 1892.

MINISTRY OF HOME AFFAIRS

G.S.R. 1864.—New Delhi, the 30th October 1970.—In exercise of the powers conferred by section 2 of the **Union Territories (Laws) Act, 1950** (30 of 1950), the Central Government hereby extends to the **Union Territory of Tripura**, the **Assam Disturbed Areas Act, 1955** (Assam Act 19 of 1955), as in force in the State of Assam at the date of this notification, subject to the following modifications, namely :—

Modifications

1. Throughout the Act, for the words, "State Government" wherever they occur, the word "Administrator" shall be substituted

2. In section 1, in sub-section (2), for the word "Assam", the words "the Union Territory of Tripura" shall be substituted.

3. For section 2, the following section shall be substituted, namely :—

"2. *Definitions.*—In this Act,—

(1) 'Administrator' means the Administrator of the Union Territory of Tripura appointed by the President under article 239 of the Constitution;

(2) 'disturbed area' means an area which is for the time being declared by notification under section 3 to be a disturbed area."

4. In section 3,—

(a) for the words "Official Gazette", the words "Tripura Gazette" shall be substituted;

(b) for the words "any district of Assam", the words "the Union Territory of Tripura" shall be substituted

5. In section 4, for the words "or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police or any officer of the Assam Rifles not below the rank of Havildar", the words "or officer not below the rank of Sub-Inspector of the Tripura Police or District Armed Reserve of Tripura or a Tripura Armed Police Battalion or Central Reserve Police or Border Security Force or an Armed Police Battalion of another State stationed on duty in the Union Territory of Tripura or any officer not below the rank of a Havildar of any unit of the Assam Rifles so stationed" shall be substituted

6. In section 5, for the words "or Police Officer not below the rank of Sub-Inspector or any officer of the Assam Rifles not below the rank of Jamadar" the words "or officer not below the rank of Sub-Inspector of the Tripura Police or District Armed Reserve of Tripura or a Tripura Armed Police Battalion or Central Reserve Police or Border Security Force or an Armed Police Battalion of another State stationed on duty in the Union Territory of Tripura or any officer not below the rank of a Jamadar of any unit of the Assam Rifles so stationed" shall be substituted.

7. Section 7 shall be omitted.

ANNEXURE

The Assam Disturbed Areas Act, 1955, as extended to the Union Territory of Tripura)
(Assam Act 19 of 1955) .

An Act to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Assam.

Preamble.—Whereas it is necessary to make better provisions for the suppression of disorder and for the restoration and maintenance of public order, in the disturbed areas in Assam;

It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Disturbed Areas Act, 1955.

(2) It extends to the whole of the Union Territory of Tripura subject to the provision of section 3 below.

(3) It shall come into force at once.

2. *Definitions.*—In this Act,—

(1) “Administrator” means the administrator of the Union Territory of Tripura appointed by the President under article 239 of the Constitution;

(2) “disturbed area” means an area which is for the time being declared by notification under section 3 to be a disturbed area.

3. *Powers to declare areas to be disturbed areas.*—The Administrator may, by notification in the Tripura Gazette, declare that the whole or any part of the Union Territory of Tripura as may be specified in the notification is a disturbed area.

4. *Power to fire upon persons contravening certain orders.*—Any Magistrate or officer not below the rank of Sub-Inspector of the Tripura Police or District Armed Reserve of Tripura or a Tripura Armed Police Battalion or Central Reserve Police or Border Security Force or an Armed Police Battalion of another State stationed on duty in the Union Territory of Tripura or any officer not below the rank of a Havildar of any unit of the Assam Rifles so stationed, may, if in his opinion, it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon, or otherwise use force even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or things capable of being used as weapons or fire-arms, ammunition and explosive substances.

5. *Powers to destroy arms dump, fortified positions, etc.*—Any Magistrate or officer not below the rank of Sub-Inspector of the Tripura Police or District Armed Reserve of Tripura or a Tripura Armed Police Battalion or Central Reserve Police or Border Security Force or an Armed Police Battalion of another State stationed on duty in the Union Territory of Tripura or any officer not below the rank of a Jamadar of any unit of the Assam Rifles so stationed may, if in his opinion, it is necessary so to do destroy any arms dump, prepared or fortified positions or shelters from which armed attacks are made or attempted, structures used as training camps for armed volunteers or utilised as hideouts or shelters by armed gangs or absconders wanted for offences in connection with the disturbances.

6. *Protection of persons acting under sections 4 and 5.*—No suit, prosecution or other legal proceeding shall be instituted except with the previous sanction of the Administrator against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

7- [Omitted].

Published in the *Gazette of India* Ext., Part II-Sec. 3 (ii), No. 374, dated October 15, 1970/Asvina 23, 1892.

MINISTRY OF HOME AFFAIRS

S.O. 3398.—New Delhi, the 15th October 1970.—In exercise of the powers conferred by sub section (3) of Section 1 of the *Laccadive, Minicoy and Amindivi Islands (Laws) No. 2 Regulation, 1970* (2 of 1970), the Central Government hereby appoints the 15th day of October, 1970, as the date on which the said Regulation shall come into force.

Published in the *Gazette of India* Part II-Sec. 3 (i), dated October 31, 1970/KARTIKA 9, 1892.

G.S.R. 1860.—New Delhi, the 31st October 1970.—In exercise of the powers conferred by section 37 of the Central Excises and salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely:—

1 (1) These rules may be called the Central Excise (Thirteenth Amendment) Rules, 1970.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Central Excise Rules, 1944, for rule 55, the following rule shall be substituted, namely:—

“55. *Return of materials used and of goods manufactured.*—At the end of every manufacturing period, or if the manufacture is continuous, at the end of every quarter, the manufacturer shall sign and deliver to the proper officer a return in the proper Form truly stating with respect to the period in question—

(a) the weight of principal raw materials which the Collector may, by order, specify and used in the manufacture of excisable goods;

(b) the weight of each description of finished goods produced;

(c) such further particulars as the Central Board of Excise and Customs or the Collector may, by general or special order, require:

Provided that the Collector may, for reasons to be recorded in writing, exempt any manufacturer or class of manufacturers from submission of the said return in all or any of the following cases:—

(i) where the goods produced are, for the time being, exempted from the whole of the duty of excise leviable thereon; or

(ii) where no excisable goods are being produced for the time being although the manufacturer holds a licence for the purpose; or

(iii) where the Collector is of the opinion that under circumstances of an exceptional nature the submission of the said return may cause hardship to the manufacturer or class of manufacturers.”

Published in the *Gazette of India*, Ext, Part II-Sec. 3 (ii), No. 349 dated September 19, 1970/Bhadra 28, 1892.

MINISTRY OF FOREIGN TRADE

S.O. 3124.—New Delhi, the 19th September 1970.—In exercise of the powers conferred by Section 3 of the Import and Exports (Control) Act 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1968, namely:—

1. This Order may be called the Exports (Control) Ninth Amendment Order, 1970

2. In the Exports (Control) order, 1968 in Schedule I Part ‘A’ after item No. 32, the following item shall be added:—

“(33) Blood Grouping Sera the following: Anti (RHO) D^u.

Published in the *Gazette of India*, Ext., Part II—Sec. 3 (ii), No. 297,
dated August 14, 1970/Sravana 23, 1892.

**MINISTRY OF PETROLEUM AND CHEMICALS AND MINES
AND METALS**

S.O. 2745.—New Delhi, the 14th August 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Drugs (Prices Control) Order, 1970, namely:—

1. (1) This Order may be called the **Drugs (Prices Control) Third Amendment Order, 1970**.

(2) It shall come into force on the date of its publication in the Official Gazette

2. In the Drugs (Prices Control) Order, 1970 —

(i) in paragraph 2,—

(a) in clause (i), after the words “this Order”, the following words shall be inserted, namely:—

“or the price fixed by the Central Government under sub-paragraph (4) of paragraph 11, as the case may be.”;

(b) in clause (n), for the words “of the Order”, the following words shall be substituted, namely:—

“of this Order or the retail price fixed by the Central Government under sub-paragraph (4) of paragraph 11, as the case may be.”;

(ii) in paragraph 11,

(a) in the heading, for the words “to scrutinise the price list and to fix the retail price in certain cases”, the words “to fix manufacturer’s price, retail price and trade commission of certain formulations” shall be substituted;

(b) after sub-paragraph (3), the following sub-paragraphs shall be inserted, namely:—

“(4) Notwithstanding anything contained in sub paragraph (1) and paragraphs 6, 7, 13, 14 and 20, the Central Government may, either generally or in individual cases, by order, fix, in the public interest, the manufacturer’s price or retail price or both, of any formulation or class of formulations essential to the life of the community.

(5) Notwithstanding anything contained in paragraph 21, the Central Government may, either generally or in individual cases, by order fix, in the public interest, the trade commission payable to intermediaries and retailers in respect of the formulation referred to in sub-paragraph (4):

Provided that in any case where the price for any formulation calculated in through the medium of a wholesaler, the trade commission allowed to such wholesaler shall not be less than 2 per cent of the retail price.

(6) The price and trade commission fixed under sub-paragraphs (4) and (5) shall be in force until altered or cancelled by the Central Government.”

S.O 2745A.—In pursuance of sub-paragraphs (4) and (5) of paragraph 11 of the **Drugs (Prices Control) Order, 1970**, the Central Government, hereby fixes the manufacturer’s price and the retail price of all formulations of penicillin and streptomycin in injectable form manufactured by the various drugs manufacturers, at the price levels prevailing on the 15th May, 1970 and hereby fixes the trade commission payable in respect of the said formulations at the rates prevailing on the

said date subject to the condition that in cases where a manufacturer also functions as a distributor through the medium of a wholesaler, the trade commission allowed to such wholesaler shall not be less than 2 per cent of the retail price.

Published in the *Gazette of India*, Ext., Part II, Sec. 3 (ii) No. 361, dated August 18 1970/Sravana 27 1892.

MINISTRY OF PETROLEUM AND CHEMICALS & MINES & METALS

S.O. 2751.—New Delhi, the 18th August 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Drugs (Prices Control) Order, 1970, namely:—

1. (1) This Order may be called the **Drugs (Prices Control) Fourth Amendment Order 1970**.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In paragraph 14 of the Drugs (Prices Control) Order 1970, for sub-paragraph (2) the following shall be substituted namely:—

“(2) The option referred to in sub-paragraph (1) shall be exercised and the price lists under the alternative pricing scheme accompanied by information and details of calculations regarding retail price as required in Form No. 3 shall be submitted to the Central Government by the manufacturer, importer or distributor, as the case may be, within two months of the commencement of this Order;

Provided that the Central Government may for sufficient cause, either generally or in individual cases, extend the said period of two months to such further period or periods as it may deem fit so however, that the period or periods so extended shall not exceed four months from the date of commencement of this Order in any case:

Provided further that in the case of a manufacturer, importer or distributor who markets his product for the first time the aforesaid period of two months shall be computed from the date he commences production.

(2A) Pending the decision of the Central Government on the price lists submitted to it under sub-paragraph (2), the manufacturer, importer or distributor may market his formulations as per price lists submitted by him under the said sub-paragraph:

Provided that in any case where the price for any formulation calculated in accordance with the provisions of sub-paragraph (1) is higher than the price prevailing on the 15th May, 1970, for such formulation, then until such time the decision of the Central Government on the price list submitted under sub-paragraph (2) is received, such formulation shall be marketed only at the price prevailing on the date aforesaid

(2B) (1) The Central Government shall have the power to approve or modify the price of any formulation included in the price list submitted to it under sub-paragraph (2) and shall communicate its decision to the manufacturer, importer or distributor not later than the 31st December, 1970.

(2) The prices of the formulations shall take effect from the date on which the price of each of them is approved or as the case may be modified by the Central Government.

(3) Where the Central Government modifies the price of any 'ormulation, it shall communicate in writing the reasons for such modification, to the manufacturer, importer or distributor."

G S R 1291.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby rescinds the **Madhya Pradesh Foodgrains (Restrictions on Border Movement) Order, 1959** published with the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food), No. G.S.R. 450, dated the 14th April, 1959 :

Provided that such rescission shall not affect : —

(a) the previous operation of the Order or anything duly done or suffered thereunder; or

(b) any privilege, obligation or liability acquired, accrued or incurred under the said Order; or

(c) any penalty, forfeiture or punishment, incurred in respect of any offence committed against the said Order; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been rescinded.

G.S.R. 1277.—New Delhi, the 27th August, 1970.—In exercise of the powers conferred by section 13 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government hereby makes the following further amendment to the Charitable Endowments (Central) Rules, 1942, namely:—

1. These rules may be called the **Charitable Endowments (Central) Amendment Rules, 1970**.

2. In the Charitable Endowments (Central) Rules, 1942, in rule 17, after the words "and such acknowledgments shall be furnished within three months from the date of publication of accounts in the Official Gazette", the words "failing which the balances published by the Treasurer shall be presumed to be correct" shall be inserted.

- Published in the *Gazette of India*, Ext., Part II—Sec. 3(i), No. 135, dated July, 23, 1970/Sravana 1, 1892.

G S R. 1099 —New Delhi, the 23rd July, 1970.—The following Order made by the President is published for general information:—

C.O 88

THE CONSTITUTION (NAGALAND) SCHEDULED TRIBES ORDER, 1970

In exercise of the powers conferred by clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governor of the State of Nagaland, is pleased to make the following Order, namely:—

1. This Order may be called the Constitution (Nagaland) Scheduled Tribes Order, 1970.

2. The tribes or tribal communities, or parts of, or groups, within, tribes or tribal communities, specified in the Schedule to this Order, shall, for the purposes of the Constitution, be deemed to be Scheduled Tribes in relation to the State of Nagaland so far as regards members thereof resident in that State.

THE SCHEDULE

- | | |
|------------|----------|
| 1. NAGA | 4. MIKIR |
| 2. KUKI | 5. GARO. |
| 3. KACHARI | |

V. V. GIRI,
President.

PART II

INDIAN PARLIAMENT & CONSTITUTION AMEND- MENT ACTS

—: o :—

The Salaries and Allowances of Members of Parliament (Amendment) Act, 1969

The following Act of Parliament received the assent of the Chief Justice of India discharging the functions of the President on the 21st August, 1969, and was published in the *Gazette of India*, Ext., Part II—Sec. 1, No. 37, dated August 21, 1969/Srawana 30, 1891.

Indian Parliament Act No. 25 of 1969.

[21st August, 1969]

An Act further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1969.

(2) This section and section 2 shall be deemed to have come into force on the 16th day of May, 1969 and the other provisions of this Act shall come into force at once.

2. *Amendment of section 3*—In the Salaries and Allowances of Members of Parliament Act, 1954 (30 of 1954), (hereinafter referred to as the principal Act), in section 3, for the words “thirty-one rupees”, the words “fifty one rupee” shall be substituted.

3. *Amendment of section 5*—In section 5 of the principal Act, for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that nothing in the first proviso shall apply, if the member performs the journey by air for visiting any place in India—

(a) not more than four times during a session lasting more than seventy-five days ;

(b) not more than twice during a session lasting for seventy-five days or less ; and

(c) not more than once during a sitting of the committee.”.

4. *Amendment of section 6.*—In section 6 of the principal Act, in the Explanation to sub-section (1), for the words “For the purposes of this sub-section”, the words, figure and letter “For the purposes of this sub-section and section 6A” shall be substituted.

5. *Insertion of new section 6A.*—After section 6 of the principal Act, the following section shall be inserted, namely :—

“6A. *Travel facilities to members.*—Without prejudice to the other provisions of this Act, every member shall be entitled—

(i) to travel by any railway in India at any time in first class air-conditioned on payment of the difference between the railway fares for first class air-conditioned and first class ;

(ii) to one free third class railway pass for one person to accompany the member when he travels by rail; and

(iii) to one free non transferrable first class railway pass for the spouse, if any, of the member to travel from the usual place of residence of the member to Delhi and back, once during every session :

Provided that where a member travels by rail in first class air-conditioned and no person accompanies that member in that journey in third class, by virtue of the free third class railway pass referred to in clause (ii), then, in determining the amount payable by the member under clause (i), the amount of third class fare for such journey shall be deducted from the difference referred to in that clause".

The Banaras Hindu University (Amendment) Act, 1969.

The following Act of Parliament received the assent of the President on the 31st August, 1969, and was published in the *Gazette of India* Ext., Part II-Sec. 1, No. 45, dated August 31, 1969/Bhadra 9, 1891.

Indian Parliament Act No. 34 of 1969.

[31st August, 1969]

An Act further to amend the Banaras Hindu University Act, 1915.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) The Act may be called the Banaras Hindu University (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 7B.*—In section 7B of the Banaras Hindu University Act, 1915 (16 of 1915) (hereinafter referred to as the principal Act),—

(i) for sub-sections[(1) and (2), the following sub-section shall be substituted, namely:—

“(1) The Vice-Chancellor shall be appointed by the Visitor on the recommendation of a Selection Committee constituted by the Visitor for the purpose:

Provided that, if the Visitor does not approve of such recommendation, he may call for one or more fresh recommendations.”;

(ii) in sub-section (4), for the words “five years”, the words “three years” and for the words “ineligible for re-appointment to that office the words eligible for appointment to that office for a second term” shall be substituted.

3. *Amendment of section 7C.*—In section 7C of the principal Act,—

(i) in sub-section (2), the words, “the Standing Committee of the Academic Council” shall be omitted;

(ii) in sub-section (4), for the words “the Academic Council and the Standing Committee of the Academic Council”, the words ‘and the Academic Council’ shall be substituted.

4. *Amendment of section 8A.*—In section 8A of the principal Act, clause (d) shall be omitted.

5. *Substitution of new section for sections 9 and 9A.*—For sections 9 and 9A of the principal Act, the following section shall be substituted, namely:—

“9. *The Court.*—The Court shall be an advisory body and its functions shall be—

(a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

(c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act."

6. *Amendment of section 10.*—In section 10 of the principal Act, in sub-section (1), for the word "Court", the word "Visitor" shall be substituted.

7. *Omission of section 12.*—Section 12 of the principal Act shall be omitted.

8. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (2), the words "to the Court and" shall be omitted.

9. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (b), for the words "the election and appointment", the words "the appointment by election, nomination or otherwise" shall be substituted;

(b) in clause (n), the words "the Standing Committee of the Academic Council," shall be omitted;

(ii) sub-section (7) shall be re-numbered as sub-section (4) and for sub-sections (3), (4) and (5) and (6), the following sub-section shall be substituted, namely:—

"(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes."

10. *Amendment of section 18.*—In section 18 of the principal Act, for sub-sections (5), (6) (7) and (8), the following sub-sections shall be substituted, namely:—

"(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may disallow any such Ordinance or remit it to the Executive Council for further consideration.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order."

11. *Amendment of section 19.*—In section 19 of the principal Act, in the proviso to sub-section (3), for the word "Court", the word "Visitor" shall be substituted.

12. *Amendment of Statutes.*—Notwithstanding anything contained in the principal Act, the Statutes of the University shall be amended as follows:—

(i) in Statute 3, for clause (3), the following clause shall be substituted, namely:—

(3) The Rector shall hold office for only so long as the Vice-Chancellor on whose recommendation he was appointed holds office and he shall be eligible for re-appointment:

Provided that notwithstanding the expiry of the term of his office the Rector shall continue in office until his successor is appointed and enters upon his office."

(ii) in Statute 4,—

(a) in clause (3), the words "the Standing Committee of the Academic Council," shall be omitted ;

(b) in clause (4),—

(1) in sub-clause (b), the words "the Finance Committee, the Standing Committee of the Academic Council," shall be omitted ;

(2) in sub-clause (c), the words "the Standing Committee of the Academic Council, the Finance Committee," shall be omitted ;

(3) in sub-clause (d), for the words "the Academic Council and the Standing Committee of the Academic Council", the words "and the Academic Council" shall be substituted ;

(iii) for Statute 10, the following Statute shall be substituted, namely :—

"(10). *The Court*.—(1) The Court shall consist of the following members, namely :—

(a) the Chancellor, *ex officio*,

(b) the members of the Executive Council, *ex officio*,

(c) three persons being Heads of Departments of Studies or Principals of Colleges of the University, nominated by the Visitor,

(d) two persons, being Professors from Departments of Studies or Colleges of the University, nominated by the Visitor,

(e) two persons from among teachers of the University, other than Professors, nominated by the Visitor,

(f) three representatives of Parliament, two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof, and

(g) thirty persons nominated by the Visitor from among persons who are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education.

(2) Seventeen members of the Court shall form the quorum.

(3) All members of the Court, other than *ex officio* members, shall hold office for a term of three years."

(iv) for Statute 14, the following Statute shall be substituted, namely :—

"14. *The Executive Council*.—(1) The Executive Council shall consist of the following members, namely :—

(a) the Vice-Chancellor, *ex officio*,

(b) eight persons nominated by the Visitor.

(2) Five members of the Executive Council shall form the quorum.

(3) The members of the Executive Council shall hold office for a term of three years."

(v) in Statute 15, in clause (x), the words "the Standing Committee of" shall be omitted ;

(vi) in Statute 18,—

(a) in clause (i) the words "the Court or" shall be omitted ;

(b) clause (xv) shall be re-numbered as clause (xxv) and after clause (xiv), the following clauses shall be inserted, namely :—

"(xv) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same ;

(xvi) to conduct examinations in conformity with the Ordinances and to fix dates for holding them ;

(xvii) to declare the results of the various University examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and Marks of honour;

(xviii) to award stipends, scholarships, medals, prizes and to make awards in accordance with the Ordinances and such other conditions as may be attached to the awards;

(xix) to make recommendations to the Executive Council in regard to the appointment of examiners, and if necessary, their removal and the fixation of their fees, emoluments and the travelling and other allowances and the appointment of Boards of Examiners and Moderators;

(xx) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting colleges and institutions applying for admission to the privileges of the University;

(xxi) to publish lists of prescribed or recommended text books and to publish syllabuses of the prescribed courses of study;

(xxii) to prepare such forms and registers as are, from time to time prescribed by the Ordinances;

(xxiii) to appoint committees for admission to the University;

(xxiv) to appoint subject to the provisions of Statute 26 committees for such specific purposes as it may deem necessary; and";

(vii) Statutes 19 and 20 shall be omitted;

(viii) for clauses (1) and (3) of Statute 21, the following clauses shall respectively be substituted, namely :—

"(1) The Finance Committee shall consist of the following members, namely :—

(i) the Vice-Chancellor ;

(ii) three persons nominated by the Visitor ;

(iii) two persons, who are not employees of the University, appointed by the Executive Council ;

(iv) two Deans of Faculties by rotation according to seniority for a term of two years." ;

"(3) Four members of the Finance Committee shall form the quorum." ;

(ix) in Statute 36,—

(a) in clause (1) in condition (iii), the words "the Standing Committee of" shall be omitted ;

(b) in clause (3), the words "the Standing Committee of", wherever they occur, shall be omitted

13 *Transitional provisions*—(1) Every person holding office as a member of the Court or the Executive Council or the Finance Committee, as the case may be, immediately before the commencement of this Act shall, on and from such commencement, cease to hold office as such :

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this subsection shall be construed to affect his continuance in such other office.

(2) Until the Court or the Executive Council or the Finance Committee is constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed

by or under the principal Act as so amended or the Statutes as so modified on the Court or the Executive Council or the Finance Committee, as the case may be.

(3) Notwithstanding anything contained in the principal Act or the Statutes immediately before the commencement of this Act, where this Act modifies the method of appointment to an office or the term of office of the holder thereof, the holder of such office shall, unless he resigns his office and his resignation is accepted under Statute 30, continue to exercise the functions of that office until his successor is appointed in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act and enters upon his office; and for the removal of doubts, it is hereby declared that a person holding any such office as aforesaid immediately before the commencement of this Act shall be eligible for re-appointment to that office.

Published in the *Gazette of India*, Ext., Part II—Sec 1, No. 49,
dated September 29, 1969/Asvina 4, 1891.

The Constitution (Twenty-Second Amendment) Act, 1969

[25th September 1969]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Constitution (Twenty-second Amendment) Act, 1969.

2. *Insertion of new article 244A.*—In Part X of the Constitution, after article 244, the following article shall be inserted, namely:—

“244A. *Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor*—(1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefor—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or

(b) a Council of Ministers.

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) may, in particular,—

(a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;

(b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

3 Amendment of article 275.—In article 275 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) On and from the formation of the autonomous State under article 244A,—

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam."

4. Insertion of New article 371B.—After article 371A of the Constitution, the following article shall be inserted, namely—

5. 371B. Special provision with respect to the State of Assam—Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Assam, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in part A of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the constitution and proper functioning of such committee."

The Appropriation (No. 4) Act, 1969.

The following Act of Parliament received the assent of the President on the 30th August 1969, and was published in the *Gazette of India*, Ext., Part II-Sec.1, No.42, dated August 31, 1969/Bhadra 9, 1891.

Indian Parliament Act No. 31 of 1969

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

[Remaining text omitted.

Editor].

The Bihar State Legislature (Delegation of Powers) Act, 1969.

The following Act of Parliament received the assent of the President on the 31st August 1969, and was published in the *Gazette of India*, Ext., Part. II-Sec.1, No.42, dated August 31, 1969/Bhadra 9, 1891.

Indian Parliament Act No.32 of 1969.

An Act to confer on the President the power of the Legislature of the State of Bihar to make laws.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title*.—This Act may be called the Bihar State Legislature (Delegation of Powers) Act, 1969.

2. *Definition*.—In this Act, "Proclamation" means the Proclamation issued on the 4th day of July, 1969, under article 356 of the Constitution, by the Vice-President of India acting as the President and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1600 of the said date.

3. *Conferment on the President of the power of the State Legislature to make laws*.—(1) The power of the Legislature of the State of Bihar to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary :

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2) :

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

The Criminal and Election Laws (Amendment) Act, 1969.

The following Act of the Parliament received the assent of the President on the 4th September, 1969, and was published in the *Gazette of India*, Ext. No. 46, dated September 5, 1969/Bhadra 14, 1891.

Indian Parliament Act No. 35 of 1969.

An Act further to amend the Indian Penal Code, the Code of Criminal, [4th September, 1969]

Procedure, 1898 and the Representation of the people Act, 1951 and to provide against printing and publication of certain objectionable matters.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Criminal and Election Laws Amendment Act, 1969.

2. *Substitution of new section for section 153A.*—In the Indian Penal Code (45 of 1860) (hereinafter referred to as the Penal Code), for section 153A, the following section shall be substituted, namely :—

“153A. *Promoting enmity between different groups on grounds of religion, race, place of birth residence, language etc., and doing acts prejudicial to maintenance of harmony.*—(1) Whoever—

(a) by words either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) *Offence committed in place of worship etc.*—Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.”

3. *Amendment of section 505.*—Section 505 of the Penal Code shall be re-numbered as sub-section (1) of that section, and—

(i) after sub-section (1) as so re-numbered but before the Exception, the following sub-sections shall be inserted, namely:—

“(2) *Statements creating or promoting enmity hatred or ill-will between classes.*—Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) *Offence under sub-section (2) committed in place of worship, etc.*—Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.”

(ii) in the *Exception* after the words “circulates it”, the words “in good faith and” shall be inserted.

4. *Amendment of Act 5 of 1898.*—In the Code of Criminal Procedure, 1898,—

(a) in section 196, for the words “the State Government or some

officer empowered by the State Government in this behalf", the words "the State Government or District Magistrate or such other officer as may be empowered by the State Government in this behalf" shall be substituted ;

(b) in Schedule II.—

(i) for the entries in columns 1 to 8 relating to section 153A, the following entries shall be substituted, namely :—

1	2	3	4	5	6	7	8
153A(1)	Promoting enmity between classes.	May arrest without warrant	Warrant	Not ballable	Ditto	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class
153A(2)	Promoting enmity between classes in place of worship, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto.",

(ii) for the entry in column 3 relating to section 154, the entry "Shall not arrest without warrant" shall be substituted;

(iii) for the entries in columns 1 to 8 relating to section 505, the following entries shall be substituted, namely :—

1	2	3	4	5	6	7	8
505(1)	False statement rumour, etc., with intent to cause mutiny or offence against the public peace.	Ditto	Ditto	Not ballable.	Not compoundable.	Imprisonment of either description for three years, or fine, or both	Presidency Magistrate or Magistrate of the first class.
505(2)	False statement rumour, etc., with intent to create enmity, hatred or ill-will between different classes	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Ditto.

1	2	3	4	5	6	7	8
505(3)	False statement rumour, etc., made in place of worship etc., with intent to create en- mity, hatred or ill-will.	Ditto	Ditto	Ditto	Ditto	Imprison- ment of either description for five years and fine	Ditto.”;

(iv) for the entries in columns 3 and 7 relating to section 506 as applicable to “Criminal intimidation” (first paragraph), the entries “Shall not arrest without warrant” and “Imprisonment of either description for 2 years, or fine, or both” shall respectively be substituted.

5. *Amendment of section 8.*—In section 8 of the Representation of the People Act, 1951, (43 of 1951) in sub-section (1), for the words figures and letters “section 171E or section 171F of the Indian Penal Code”, the words, figures and letters “section 153A or section 171E or section 171F or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code” shall be substituted.

6. *Power to control prejudicial publications*—(1) The Central Government or a State Government or any authority so authorised by the Central Government in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony and affecting or likely to affect public order, may, by order in writing addressed to the printer, publisher or editor, prohibit the printing or publication of any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period or in a particular issue or issues of a newspaper or periodical :

Provided that no such order shall remain in force for more than two months from the making thereof :

Provided further that the person against whom the order has been made may, within ten days of the communication of the order, make a representation, —

(i) to the Central Government, where such order is made by the Central Government or any authority authorised by it ; and

(ii) to the State Government, where such order is made by the State Government, and the Central Government or the State Government, as the case may be, may, after consultation with a Committee, to be known as Press Consultative Committee, dispose of the matter, modifying, confirming or rescinding the order.

(2) In the event of disobedience of an order made under sub-section (1), the Central Government or the State Government or the authority issuing the order, as the case may be, may, without prejudice to any other penalty to which the person guilty of the disobedience is liable under this Act or under any other law for the time being in force, direct that copies of the publication made in violation of an order made under sub-section (1) be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

7. *Penalty.*—Whoever contravenes, disobeys or neglects to comply with any order made under section 6 of this Act, shall, on conviction, be punished with imprisonment of either description which may extend to one year, or with fine up to one thousand rupees, or with both.

8. *Composition of the Press Consultative Committee and rules in respect thereof.*—(1) A Press Consultative Committee referred to in the second proviso to sub-section (1) of section 6, shall consist of such number of persons, being editors, publishers and journalists, as may be prescribed by rules made under this section.

(2) The Central Government may make rules for the constitution of Press Consultative Committees, the term of office of the members of such Committees, the allowances, if any, to be paid to such members for attending the meetings of the Committee and the manner of filling casual vacancies among them, and for all matters connected therewith or incidental thereto.

(3) In particular, and without prejudice to the generality of the foregoing power under sub-section (2), such rules may provide for all or any of the following matters, namely :—

(a) the number of persons who may be appointed as members of a Press Consultative Committee and the class or category of persons from whom such members are to be appointed ;

(b) the authority or authorities which may make such appointments ;

(c) the procedure to be followed by the Central Government or the State Government, as the case may be, in consulting the Press Consultative Committee ;

(d) the procedure to be followed by the Press Consultative Committee ;

(e) any other matter for which rules have to be made for enabling the Press Consultative Committee to function.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The Indian Penal Code (Amendment) Act, 1969.

The following Act of Parliament received the assent of the President on the 7th September, 1969, and was published in the *Gazette of India*, Ext., Part II-Sec.1, No. 47, dated, September 8, 1969/Bnadhra. 17,1891.

Indian Parliament Act No 36 of 1969.

[7th September, 1969]

An Act further to amend the Indian Penal Code and to provide for matters incidental thereto.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Indian Penal Code (Amendment) Act, 1969.

2. *Amendment of section 292 of Act 45 of 1860.*—In the Indian Penal Code,—

(a) section 292 shall be re-numbered as sub-section (2) thereof and before sub-section (2), as so renumbered, the following sub-section shall be inserted, namely :—

“(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting representation figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.” ;

(b) in sub-section (2) of section 292, as so re-numbered,—

(i) for the words “with imprisonment of either description for a term which may extend to three months, or with fine, or with both”: the words “on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees” shall be substituted ;

(ii) for the exception the following exception shall be substituted, namely :—

“*Exception.*—This section does not extend to—

(a) any book, pamphlet, paper, writing drawing, painting, representation or figure—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used *bona fide* for religious purposes ;

(b) any representation sculptured, engraved, painted or otherwise represented on or in—

(i) any ancient monument with in the meaning of the Ancient monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.” ;

(c) in section 293, for the words “with imprisonment of either description for a term which may extend to six months, or with fine, or with both”, the words “on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees” shall be substituted.

3. *Amendment of sections 99A, 108 and Schedule II of Act 5 of 1898.*—In the Code of Criminal Procedure, 1898,—

(a) in sub-section (1) of section 99A,—

(i) for the words “seditious matter”, the words “seditious or obscene matter”, and

(ii) for the words “punishable under section 124A or section 153A

or section 295A", the words "punishable under section 124A or section 153A or section 292 or section 293 or section 295A", shall be substituted ;

(b) in section 108,—

(1) after the words "who, within or without such limits," the brackets and figure "(i)" shall be inserted ;

(2) after clause (c), the following shall be inserted, namely :—

(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code (45 of 1860)";

(c) in Schedule II. for the entries relating to sections 292 and 293 of the Indian Penal Code (45 of 1860), the following entries shall be substituted, namely :—

1	2	3	4	5	6	7	8
"292	Sale, etc., of obscence books, etc.	May arrest without warrant	War-rant	Bail-able	Not com-poundable	On first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.	Court of Session.
293	Sale, etc., of obscence objects to young persons.	May arrest without warrant	War-rant	Bail-able	Not com-poundable	On first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to	

1	2	3	4	5	6	7	8	9
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seven years, and
also with fine which
may extend to
five thousand rupees.

The Wakf (Amendment) Act, 1969.

The following Act of Parliament received the assent of the President on the 2nd December, 1969, and was published in the *Gazette of India*, Ext., Part II, Sec. 1, No. 52, dated December 3, 1969/Agrahayana 12, 1890..

Indian Parliament Act No. 38 of 1969.

[2nd December, 1969]

An Act further to amend the Wakf Act, 1954.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title*—This Act may be called the Wakf (Amendment) Act, 1969.

2. *Amendment of section 2.*—In section 2 of the Wakf Act, 1954 (29 of 1954), (hereinafter referred to as the principal Act), in the proviso, for the words, figures and brackets “the Durgah Khawaja Saheb Act, 1936 (23 of 1936), and the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950 (17 of 1950), apply”, the words and figures “the Durgah Khawaja Saheb Act, 1955 (36 of 1955), applies” shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act, for clause (g), the following clause shall be, and shall be deemed always to have been, substituted, namely :—

“(g) “net annual income”, in relation to a wakf, means the gross income thereof from all sources in a year excluding only—

(i) land revenue, cess, rates and taxes payable to the Government or any local authority ; and

(ii) donations given or offerings made with a specific direction that they shall form part of the corpus of the wakf :

Provided that the interest or income, if any, accruing from such donations or offerings shall be taken into account in calculating the gross annual income ;”.

4. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (3),—

(a) after the words “submit his report”, the words “, in respect of wakfs existing at the date of the commencement of this Act in the State or any part thereof,” shall be, and shall be deemed always to have been, inserted ; and

(b) in clause (a), for the words “in the State”, the words “in the State, or as the case may be, any part thereof” shall be, and shall be deemed always to have been, substituted.

5. *Amendment of section 5.*—In section 5 of the principal Act, in sub-section (2), for the words “existing in the State”, the words “existing in the State, or as the case may be, the part of the State to which the report relates, and” shall be, and shall be deemed always to have been, substituted.

6. *Amendment of section 6.*—In section 6 of the principal Act, in sub-section (1),—

(a) for the words “whether a particular property is wakf property or not or whether a wakf is a Shia wakf or Sunni wakf”, the words “whether a particular property specified as wakf property in a list of wakfs published under sub-section (2) of section 5 is wakf property or not or whether a wakf specified in such list is a Shia wakf or Sunni wakf” shall be, and shall be deemed always to have been, substituted; and

(b) after the proviso, the following proviso shall be inserted, namely :—

“Provided further that in the case of the list of wakfs relating to any part of the State and published or purporting to have been published before the commencement of the Wakf (Amendment) Act, 1969, such suit may be entertained by the civil court within the period of one year from such commencement.”

7. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (1),—

(a) for the words “publication of the list of wakfs”, the words “publication of the list or lists of wakfs” shall be substituted; and

(b) for the words “by all the mutawallis in proportion to the income of the property of the wakfs situated in the State” the words “by all the mutawallis of the wakfs the net annual income whereof exceeds one hundred rupees, in proportion to the net annual income accruing in the State to such wakfs” shall be substituted

8. *Amendment of section 8B.*—In section 8B of the principal Act, in sub-section (1), the words “of the properties” and the words “of the property shall be omitted.

9. *Amendment.*—In section 46 of the principal Act, in sub-section (1), for the words “net annual income of such of its property as is situate in the State”, the words “net annual income accruing in the State to the wakf” shall be, and shall be deemed always to have been, substituted.

10. *Special provisions as to certain lists of wakfs published under sub-section (2) of section 5.*—Notwithstanding anything contained in any judgment, decree or order of any court to the contrary, and subject to the provisions of the second proviso to sub-section (1) of section 6 of the principal Act, as amended by this Act, every list of wakfs purporting to be a list of wakfs existing at the date of the commencement of the principal Act in any part of a State and published or purporting to have been published under sub-section (2) of section 5 of the principal Act, before the commencement of the Wakf (Amendment) Act, 1969 shall be deemed to be, and shall be deemed always to have been, published in accordance with law.

11. *Validation of contributions paid or realised under section 46.*—Notwithstanding anything in any law or any judgment, decree or order of any court, all contributions paid or realised, or purporting to have been paid or realised, under section 46 of the principal Act, which would have been validly paid or realised if the amendments made to the principal Act by this Act were in force on the date of such payment or realisation, shall, for all purposes, be deemed to be, and shall be deemed always to have been, paid or realised in accordance with law, and accordingly—

(a) no suit or other legal proceeding shall be maintained or continued in any court for the refund of the whole or any part of the contribution so paid or realised; and

(b) no court shall enforce any decree or order directing the refund of the whole or any part of the contribution so paid or realised.

The Foreign Exchange Regulation (Amendment) Act, 1969.

The following Acts of Parliament received the assent of the President on the 26th December, 1969, and was published in the *Gazette of India* Ext., Part II Section 1, No. 55, dated December 16, 1969.

Indian Parliament Act No. 40 of 1969

[26th December, 1969]

An Act further to amend the Foreign Exchange Regulation Act, 1947.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1969.

2. *Amendment of section 12.*—In section 12 of the Foreign Exchange Regulation Act, 1947 (7 of 1947) (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The Central Government may, by notification in the Official Gazette, prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export) of all goods or of any goods or class of goods specified in the notification from India directly or indirectly to any place so specified unless the exporter furnishes to the prescribed authority declaration in the prescribed form supported by such evidence as may be prescribed or so specified and true in all material particulars which, among others, shall include the amount representing—

(i) the full export value of the goods ; or

(ii) if the full export value of the goods is not ascertainable at the time of export, the value which the exporter, having regard to the prevailing market conditions, expects to receive on the sale of the goods in the course of international trade,

and affirms in the said declaration that the full export value of the goods (whether ascertainable at the time of export or not) has been, or will within the prescribed period be, paid in the prescribed manner”.

3. *Amendment of section 23A.*—In section 23A of the principal Act, for the words, brackets and figures “the restrictions imposed by sub-sections (1) and (2) of section 8”, the words, brackets and figures “the restrictions imposed by or under sub-sections (1) and (2) of section 8” shall be substituted.

4. *Repeal and saving.*—(1) The Foreign Exchange Regulation (Amendment) Ordinance, 1969 (9 of 1969) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 13th day of November, 1969,

The International Monetary Fund and Bank (Amendment) Act, 1969.

The following Act of Parliament received the assent of the President on the 26th December, 1969, and was published in the *Gazette of India* Ext., Part II, Section 1, No. 55, dated December, 26, 1969.

Indian Parliament Act No. 41 of 1969

[26th December, 1969]

An Act further to amend the International Monetary Fund and Bank Act, 1945.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement*—(1) This Act may be called the International Monetary Fund and Bank (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2*.—In section 2 of the International Monetary Fund and Bank Act, 1945 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) for the words "There shall be paid out of the Consolidated Fund of India", the words "There shall be paid, after due appropriation made by Parliament by law in this behalf, out of the Consolidated Fund of India" shall be substituted;

(b) in clause (c), after the words and figures "under section 8 of Article V", the words and figures "or under section 2, section 3 or section 5 of Article XXVI," shall be inserted;

(c) after clause (d), the following clause shall be inserted, namely:—

(dd) any assessments required to be paid by the Central Government to the International Fund under section 4 or section 5 of Article XXVI of the Fund Agreement;"

3. *Insertion of new section 3A*—After section 3 of the principal Act the following section shall be inserted, namely:—

"3A. *Reserve Bank to use, receive, acquire, etc., special drawing rights on behalf of Central Government*.—The Reserve Bank may, on behalf of the Central Government, use, receive, acquire, hold, transfer or operate the special drawing rights of that Government in the International Fund and perform all acts supplemental or incidental thereto."

The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969

The following Act of Parliament received the assent of the President on the 26th December, 1969, and was published in the *Gazette of India*, Ext., Part II, Section 1, No. 56, dated December, 26, 1969. Pansa 5, 1891.

Indian Parliament Act No. 42 of 1969.

[26th December, 1969]

An Act to validate certain provisions contained in the Bihar Land Reforms Act, 1950 and the Bihar Minor Mineral Concession Rules, 1964, and action taken and things done in connection therewith.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title*.—This Act may be called the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969.

2. *Validation of certain Bihar State laws and action taken and things done commenced therewith*—(1) The laws specified in the Schedule shall be, and

shall be deemed always to have been, as valid as if the provisions contained therein had been enacted by Parliament.

(2) Notwithstanding any judgment, decree or order of any court, all action taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued and rents or royalties realised under any such laws shall be deemed to have been validly taken, done, made, issued or realised, as the case may be, as if this section had been in force at all material times when such action was taken, things were done, rules were made, notifications were issued, or rents or royalties were realised and no suit or other proceeding shall be maintained or continued in any court for the refund of rents or royalties realised under any such laws.

(3) For the removal of doubts, it is hereby declared that nothing in sub-section (2) shall be construed as preventing any person from claiming refund of any rents or royalties paid by him in excess of the amount due from him under any such laws.

THE SCHEDULE

(See section 2)

1. Section 10 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).

2. Section 10-A of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as inserted by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965).

3. Section 31 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).

4. Sub-rule (2) of Rule 20 of the Bihar Minor Mineral Concession Rules, 1964, as inserted by the Bihar Minor Mineral Concession (First Amendment) Rules, 1964, published under the Bihar State Government notification No. A/MM-1099/64 (Pt.) 7700/M, dated the 19th December, 1964, in the Gazette of Bihar (Pt. II) dated the 30th December, 1964.

The Khuda Bakhsh Oriental Public Library Act, 1969.

The following Act of Parliament received the assent of the President on the 26th December, 1969, and was published in the *Gazette of India*, Ext., Part II. Sec. 1, No 56, dated December 26, 1969, Pansa 5, 1891.

Indian Parliament Act No. 43 of 1969

[26th December, 1969]

An Act to declare the Khuda Bakhsh Oriental Public Library at Patna to be an institution of national importance and to provide for its administration and certain other connected matters.

to declare the Khuda Bakhsh Oriental Public Library at Patna to be an institution of national importance and to provide for its administration and certain other connected matters.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Khuda Bakhsh Oriental Public Library Act, 1969.

(2) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint.

2. *Declaration of Khuda Bakhsh Oriental Public Library as an institution of national importance.* — It is hereby declared that the Khuda Bakhsh Oriental Public Library at Patna in the State of Bihar is an institution of national importance.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Board" means the Board established under section 4;
- (b) "Chairman" means the Chairman of the Board;
- (c) "deed of trust" means the deed of trust No. 217 executed in the office of the Deputy Registrar of Patna by the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur on the 14th January, 1891;
- (d) "Fund" means the Fund referred to in section 19;
- (e) "library" means the Khuda Bakhsh Oriental Public Library declared to be an institution of national importance under this Act;
- (f) "member" means a member of the Board and includes the Chairman;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "State Government" means the Government of Bihar.

CHAPTER II

THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY BOARD

4. *Establishment and incorporation of Board.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a Board to be known as the Khuda Bakhsh Oriental Public Library Board.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and contract, and may, by that name, sue and be sued.

5. *Composition of Board.*—(1) The Board shall consist of the following persons, namely:—

- (a) the Governor of Bihar, *ex-officio*, Chairman;
- (b) the Accountant General, Bihar, *ex-officio*;
- (c) a person to be nominated by the Central Government, who shall be a member of the family of the late Maulvi Kauda Bakhsh Khan Bahadur of Muradpur;
- (d) eight persons, four each to be nominated by the Central Government and the State Government, who shall, as far as possible, be persons having knowledge of, and experience in, matters relating to the administration of libraries;

(e) the Director, Khuda Bakhsh Oriental Public Library, *ex-officio* Member—Secretary.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

6. *Term of office and fresh nomination in certain cases.*—(1) The terms of office of nominated members shall be such as may be prescribed.

(2) Any nominated member may resign his office by giving notice in writing to the Central Government and to the State Government, and on such resignation being notified by the Central Government in the Official Gazette, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated

member under sub-section (2) or for any other reason may be filled by fresh nomination by the Central Government or the State Government as the case may be, and a member so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(4) An outgoing member shall be eligible for renomination.

(5) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be may nominate another person to act in his place during his absence.

7. *Vacancies, etc., not to invalidate acts.*—No act of the Board shall be invalid merely by reason of—

(a) any vacancy in, or defect in the constitution of, the Board, or
(b) any defect in the nomination of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

8. *Duty of Government nominating persons, etc.*—(1) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member, and the Central Government or the State Government, as the case may be, shall also satisfy itself from time to time with respect to every member nominated by it that he has no such interest; and any person who is or whom the Central Government or the State Government, as the case may be, proposes to nominate and who has consented to be, a member shall, whenever requested by the Central Government or the State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(2) A nominated member who is in any way, directly or indirectly, interested in a contract made or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and disclosure shall be recorded in the minutes of the Board and the member shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

9. *Meetings of Board.*—(1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

(3) If any nominated member, being an officer of Government, is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise any person in writing to do so.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case

of an equality of votes, the Chairman or, in his absence, the member presiding, shall have a second or casting vote.

10 *Temporary association of persons with Board for particular purposes*—(1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not, by virtue of this section, be entitled to vote.

11. *Authentication of orders and other instruments of Board*.—All orders and decisions of the Board shall be authenticated by the signature of the Chairman of any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf.

12. *Staff of Board*.—(1) Subject to the provisions of sub-section (2), the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may think fit.

(2) The recruitment and conditions of service of such officers and employees shall be such as may be provided by regulations made under this Act.

13. *Transfer of service of existing employees to Board*.—Subject to the provisions of this Act, every person employed in the library immediately before the date of establishment of the Board shall, on and from such date, become an employee of the Board with such designation as the Board may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held the same on such date if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Board :

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

14. *Location of library*.—The library shall be located at Patna.

CHAPTER III

PROPERTY, LIABILITIES AND FUNCTIONS OF THE BOARD

15. *Property and liabilities of Board*.—(1) On the establishment of the Board—

(i) all properties, funds and dues which are vested in, or realisable by, the trustees of the library constituted by the deed of trust, in their capacity as such, shall vest in, and be realisable by, the Board ; and

(ii) all liabilities in relation to the library which are enforceable against the said trustees, shall be enforceable only against the Board.

(2) All properties, which may, after the establishment of the Board, be given, bequeathed or otherwise transferred to the library or acquired by the Board, shall vest in the Board.

16. *Duties of Board*.—(1) Subject to the provisions of the deed of

trust, it shall be the general duty of the Board to manage the library and to plan, promote, organise and implement programmes, for the development of the library on modern scientific lines (including the microfilming of rare manuscripts) and to perform such other functions as the Central Government may, from time to time, assign to the Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit—

(a) for providing for instruction and research in matters relating to libraries and for the advancement of learning and dissemination of knowledge in such matters; and

(b) to do all such other things as may be necessary for the discharge of its functions under this Act.

17. *Powers of Board.*—(1) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may from time to time purchase or otherwise acquire such manuscripts books, articles or things as may, in the opinion of the Board, be worthy of preservation in the library.

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS

18. *Grants by Central Government to Board.*—For the purpose of enabling the Board to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

19. *Fund of Board.*—(1) The Board shall maintain a Fund to which shall be credited—

(a) all moneys paid by the Central Government;

(b) such sums of money as the State Government may pay annually having regard to its resolution No. V/L 4055/60E 120, dated the 26th September, 1962;

(c) all fees and other charges levied under this Act;

(d) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription Contribution or transfer;

(e) all other moneys received by the Board in any other manner or from any other source

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

(3) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934, (2 of 1934) or any other bank approved by the Central Government in this behalf, but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

20. *Budget.*—(1) The Board shall, by such date in each year as may be specified by the Central Government, submit to it for approval

a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during that financial year.

(2) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(3) Subject to the provisions of sub-section (4) no sum shall be expended by or on behalf of the Board, unless the expenditure is covered by provision in the budget approved by the Central Government.

(4) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any reappropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

21. *Accounts and audit.*—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be specified, and in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board, and the library.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. *Returns and reports.*—(1) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct such returns, statements and particulars as the Central Government may, from time to time require.

(2) Without prejudice to the provisions of sub-section (1) the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving true and full account of the activities of the Board during the previous financial year and an account of activities likely to be undertaken during the current financial year.

CHAPTER V MISCELLANEOUS

23. *Power of Central Government to issue directions to Board.*—(1) In the discharge of its functions under this Act, the Board shall be bound by such directions on questions of policy as the Central Government may give to it from time to time.

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

24. *Delegation of powers and duties*—The Board may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall in such circumstances and under such conditions, if any as may be specified in the order, be exercised or discharged also by any member, officer or employee of the Board specified in this behalf in the order.

25. *Officers and employees of Board to be public servants.*—All officers and employees of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (45 of 1860).

26. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against the Board or any member, officer or employees of the Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

27. *Power of Central Government to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act:

Provided that when the Board has been established, no such rules shall be made without consulting the Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office of, and the manner of filling casual vacancies among, the members nominated under clauses (c) and (d) of sub-section (1) of section 5;

(b) the travelling and other allowances payable to a member other than the Chairman and to a person associated with the Board under section 10;

(c) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;

(d) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;

(e) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions; and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

28. *Power of Board to make regulations*—(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions and restrictions subject to which manuscripts and books in the library may be used;

(b) the manner in which, and the purposes for which, persons may be associated with the Board;

(c) the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

(d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;

(e) the recruitment and conditions of service of the officers and other employees of the Board;

(f) the persons by whom and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(g) the maximum amount that may be kept in the current account;

(h) the maintenance of registers and accounts;

(i) the compilation of catalogues and inventories of the manuscripts, books and other articles and things in the library;

(j) the steps to be taken for the preservation of the manuscripts, books and other articles and things in the library;

(k) the general management of the library;

(l) the fees and other charges to be levied for the use of manuscripts and books in the library;

(m) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(3) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-sections (1) and (2).

The Punjab Legislative Council (Abolition) Act, 1969.

The following Act of Parliament received the assent of President on the 27th December, 1969 and was published in the *Gazette of India*, Ext., Part II—Sec., 1 No. 58, dated December 27, 1969/Pansa 6, 1891.

Indian Parliament Act No. 46 of 1969

[27th December, 1969]

An Act to provide for the abolition of the Legislative Council of the State of Punjab and for matters supplemental, incidental and consequential thereto,

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Punjab Legislative Council (Abolition) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) “article” means an article of the Constitution;

(c) “Council” means the Legislative Council of the State of Punjab;

(d) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Punjab;

(e) “Legislative Assembly” means the Legislative Assembly of the State of Punjab.

3. *Abolition of the Council*.—(1) The Legislative Council of the State of Punjab is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

4. *Amendment of article 168*.—In sub-clause (a) of clause (1) of article 168, the word, “Punjab,” shall be omitted.

5. *Amendment of Act 43 of 1950*.—In the Representation of the People Act, 1950,—

(a) in the Third Schedule, entry No. 7 relating to Punjab shall be omitted;

(b) in the Fourth Schedule, the heading “Punjab” and the entries thereunder shall be omitted.

6. *Repeal of Delimitation of Council Constituencies (Punjab) Order, 1951*.—The Delimitation of Council Constituencies (Punjab) Order, 1951, is hereby repealed.

7. *Provision as to pending Bills*.—(1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Punjab in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. *Power to adapt laws*.—The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. *Power to construe laws*—Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

The Salaries and Allowances of Ministers (Amendment) Act, 1969.

The following Act of Parliament received the assent of the President on 27th December, 1969, and was published in the *Gazette of India*, Ext., Part II—Sec. 1, No. 58, dated December 27, 1969, Pansa 6, 1891.

Indian Parliament Act No. 47 of 1969.

[27th December, 1969]

An Act further to amend the Salaries and Allowances of Ministers Act, 1952.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 1st day of November, 1966.

2. *Amendment of Section 4.*—Section 4 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952) shall be re-numbered as sub-section (1) thereof and,—

(i) in sub-section (1) as so re-numbered for the words “fifteen day”, the words “one month” shall be substituted; and

(ii) after sub-section (1) as so re-numbered and before the Explanation the following sub-section shall be inserted, namely:—

“(2) In the event of the death of the Minister, his family shall be entitled to the use of the furnished residence occupied by the Minister—

(a) for a period of one month immediately after his death, without payment or rent and no charge shall fall on the family of the Minister in respect of the maintenance of such residence, and

(b) for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf the Central Government and also charges in respect of electricity and water consumed in that residence during such further period.”

The Indian Tariff (Amendment) Act, 1969.

The following Act of Parliament received the assent of the President on the 27th December, 1969, and was published in the *Gazette of India*, Ext., Part II—Sec. 1 No. 60, dated 27th December, 1969/Pansa 6, 1891.

Indian Parliament Act No. 53 of 1969.

[27th December, 1969]

An Act further to amend the Indian Tariff Act, 1934.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Tariff (Amendment) Act, 1969:

(2) It shall come into force at once.

2. *Amendment of First Schedule.*—In the First Schedule to the Indian Tariff Act, 1934. (32 of 1934),—

(a) for Item No. 46, the following Item shall be substituted, namely:—

- "46 Silk-worm cocoons, suitable for reeling; raw silk (not thrown)
- | | | | |
|---|------------|--|--------------------------|
| (a) Raw silk | Protective | 30 per cent
<i>ad valorem</i> | December
31st, 1974. |
| (b) Silk-worm cocoons suitable for reeling. | Protective | 50 per cent
<i>ad valorem</i> ,
plus Rs. 8.80
per kilogram. | December
31st, 1974"; |
- (b) for Item No. 46(1), the following Item shall be substituted, namely :—
- | | | | |
|--|------------|---|---------------------------|
| "46 (1) Silk waste (including cocoons unsuitable for reeling, silk noils and pulled or garneted rags). | Protective | 50 per cent
<i>ad valorem</i>
plus Rs. 8.80
per kilogram | December
31st, 1974."; |
|--|------------|---|---------------------------|
- (c) for Item No. 47, the following Item shall be substituted, namely :—
- | | | | |
|---|------------|--|--------------------------|
| "47 Silk yarn including silk sewing thread. | Protective | 50 per cent
<i>ad valorem</i> ,
plus Rs. 8.80
per kilogram. | December
31st, 1974"; |
|---|------------|--|--------------------------|
- (d) Item No. 47(1) shall be omitted ;
- (e) for Item No. 48, the following Item shall be substituted, namely :—
- | | | | |
|--|------------|--|--------------------------|
| "48 Fabrics, not otherwise specified, containing more than 50 per cent of silk, including such fabrics embroidered with yarn or thread of man-made fibres. | Protective | 100 per cent
<i>ad valorem</i> ,
plus Rs. 18.70
per kilogram. | December
31st, 1974"; |
|--|------------|--|--------------------------|

The Oaths Act, 1969.

The following Act of Parliament received the assent of the President on the 26th December, 1969, and was published in the *Gazette of India*, Ext., Part II-Sec 1, No. 57, dated December 26, 1969/Pauca 5, 1891.

Indian Parliament Act No. 44 of 1969.

[26th December, 1969]

An Act to consolidate and amend the law relating to judicial oaths and for certain other purposes

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Oaths Act, 1969.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Saving of certain oaths and affirmations*—Nothing in this Act shall apply to proceedings before courts martial or to oaths, affirmations or declarations prescribed by the Central Government with respect to members of the Armed Forces of the Union.

3. *Power to administer oaths.*—(1) The following courts and persons shall have power to administer, by themselves or, subject to the provisions of sub-section (2) of section 6, by an officer empowered by them in

this behalf, oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law, namely :—

(a) all courts and persons having by law or consent of parties authority to receive evidence ;

(b) the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union, provided that the oath or affirmation is administered within the limits of the station.

(2) Without prejudice to the powers conferred by sub section (1) or by or under any other law for the time being in force, any court, Judge, Magistrate or person may administer oaths and affirmations for the purpose of affidavits if empowered in this behalf—

(a) by the High Court, in respect of affidavits for the purpose of judicial proceedings ; or

(b) by the State Government, in respect of other affidavits

4. Oaths or affirmations to be made by witnesses interpreters and jurors.—(1) Oaths or affirmations shall be made by the following persons, namely :—

(a) all witnesses, that is to say, all persons who may lawfully be examined or give, or be required to give, evidence by or before any court or person having by law or consent of parties authority to examine such persons or to receive evidence ;

(b) interpreters of questions put to, and evidence given by, witnesses ; and

(c) jurors :

Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness is of opinion that, though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation, the foregoing provisions of this section and the provisions of section 5 shall not apply to such witness ; but in any such case the absence of an oath or affirmation shall not render inadmissible any evidence given by such witness nor affect the obligation of the witness to state the truth.

(2) Nothing in this section shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, unless he is examined as a witness for the defence, or necessary to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

5. Affirmation by persons desiring to affirm.—A witness, interpreter or juror may, instead of making an oath, make an affirmation.

6. Forms of oaths and affirmations. (1)—All oaths and affirmations made under section 4 shall be administered according to such one of the forms given in the Schedule as may be appropriate to the circumstances of the case:

Provided that if a witness in any judicial proceeding desires to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the class to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, allow him to give evidence on such oath or affirmation.

(2) All such oaths and affirmations shall, in the case of all courts

other than the Supreme Court and the High Courts, be administered by the presiding officer of the court himself, or, in the case of a Bench of Judges or Magistrates, by any one of the Judges or Magistrates, as the case may be.

7. *Proceedings and evidence not invalidated by omission of oath or irregularity.*—No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the administration of any oath or affirmation or in the form in which it is administered, shall invalidate any proceeding or, render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth

8. *Persons giving evidence bound to state the truth.*—Every person giving evidence on any subject before any court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject.

9. *Repeal and saving.* (1)—The Indian oaths Act, 1873, (10 of 1873) is hereby repealed.

(2) Where, in any proceeding pending at the commencement of this Act, the parties have agreed to be bound by any such oath or affirmation as is specified in section 8 of the said Act, then, notwithstanding the repeal of the said Act, the provisions of sections 9 to 12 of the said Act shall continue to apply in relation to such agreement as if this Act had not been passed.

THE SCHEDULE

(See section 6)

Forms of Oaths or Affirmations

Form No. 1 (Witnesses):—

swear in the name of God

I do _____ that what I shall state shall be the
solemnly affirm

truth, the whole truth and nothing but the truth.

Form No. 2 (Jurors):—

swear in the name of God

I do _____ that I will well and truly try and true*
solemnly affirm

deliverance make between the State and the prisoner(s) at the bar, whom I shall have in charge, and a true verdict give according to the evidence.

Form No. 3 (Interpreters):—

swear in the name of God

I do _____ that I will well and truly interpret and
solemnly affirm

explain all questions put to and evidence given by witnesses and translate correctly and accurately all documents given to me for translation.

Form No. 4 (Affidavits):—

swear in the name of God

I do _____ that this is my name and signature (or
solemnly affirm

mark) and that the contents of this my affidavit are true.

The Indian Registration (Amendment) Act, 1969.

The following Act of Parliament received the assent to the President on the 26th December, 1969, and was published in the *Gazette of India* Ext., Part II Sec. 1, No. 57, dated December 26, 1969/Pauza 5, 1891.

Indian Parliament Act, No 45 of 1969.

[26th December, 1969]

An Act further to amend the Indian Registration Act, 1908.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title*—This Act may be called the Indian Registration (Amendment) Act, 1969.

2. *Amendment of sections 1 and 30*—In the Indian Registration Act, 1908 (16 of 1908.)

(a) in sub-section (1) of section 1, the word "Indian" shall be omitted;

(b) in sub-section (2) of section 30, for the words "The Registrar of a district including a presidency-town", the words "The Registrar of a district in which a presidency-town is included and the Registrar of the Delhi district" shall be substituted.

The Oilfields (Regulation and Development) Amendment Act, 1969.

The following Act of Parliament received the assent of the President on the 20th December, 1969 and was published in the *Gazette of India*, Ext., Part II-Sec. 1, No. 53, dated December 20, 1969/Agrahayana 29, 1891.

Indian Parliament Act No. 39 of 1969.

[20th December, 1969]

An Act further to amend the Oilfields (Regulation and Development) Act, 1948.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.* (1)—This Act may be called the Oilfields (Regulation and Development) Amendment Act, 1969.

(2) It shall be deemed to have come into force on the 1st day of January, 1968.

2. *Amendment of section 6.*—In sub-section (2) of section 6 of the Oilfields (Regulation and Development) Act, 1948 (5 of 1948) (hereinafter referred to as the principal Act), for clause (i), the following clause shall be substituted, namely:—

"(i) the collection of royalties, and the levy and collection of fees or taxes, in respect of mineral oils mined, quarried, excavated or collected;"

3. *Insertion of new section 6A.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. *Royalties in respect of mineral oils.*—(1) The holder of a mining lease granted before the commencement of the Oilfields (Regulation and Development) Amendment Act, 1969, shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any mineral oil mined, quarried, excavated or collected by him from the leased area after such commencement, at the rate for the time being specified in the Schedule in respect of that mineral oil.

(2) The holder of a mining lease granted on or after the commencement of the Oilfields (Regulation and Development) Amendment Act, 1969, shall pay royalty in respect of any mineral oil mined, quarried, excavated or collected by him from the leased area at the rate for the time being specified in the Schedule in respect of that mineral oil.

(3) Notwithstanding anything contained in sub-section (1) or sub-

section (2), no royalty shall be payable in respect of any crude oil, casing-head condensate or natural gas which is unavoidably lost or is returned to the reservoir or is used for drilling or other operations relating to the production of petroleum, or natural gas, or both.

(4) The Central Government may, by notification in the Official Gazette, amend the Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral oil with effect from such date as may be specified in the notification:

Provided that the Central Government shall not—

(a) fix the rate of royalty in respect of any mineral oil so as to exceed twenty per cent. of the sale price of the mineral oil at the oilfields or the oil well head, as the case may be, or

(b) enhance the rate of royalty in respect of any mineral oil more than once during any period of four years.”.

4. *Insertion of new Schedule.*—After section 14 of the principal Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE

(See section 6A)

Rates of Royalty

1. Crude oil.	Rupees ten per metric tonne
2. Casing head condensate:	Rupees ten per metric tonne
3. Natural gas:	Ten per cent of the value of the natural gas obtained at well-head.”.

Published in the *Gazette of India*, Ext., Part II-Sec. 1, No. 1 dated January 23, 1970/Magha 3, 1891.

The Constitution (Twenty-Third Amendment) Act, 1969.

(23rd January, 1970]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Constitution (Twenty-third Amendment) Act, 1969.

2. *Amendment of article 330.*—In article 330 of the Constitution, in sub-clause (b) of clause (1) for the words “except the Scheduled Tribes in the tribal areas of Assam”, the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland” shall be substituted.

3. *Amendment of article 332.*—In article 330 of the Constitution, in clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam”; the words except the Scheduled Tribes in the Tribal areas of Assam and in Nagaland” shall be substituted.

4. *Amendment of article 333*—(1) In article 333 of the Constitution for the words “nominate such number of members of the community to the assembly as he considers appropriate”, the words “nominate one member of that community to the Assembly” shall be substituted.

(2) Nothing contained in sub section (1) shall affect any representation of the Anglo-Indian community in the Legislative Assembly of any State existing at the commencement to this Act until the dissolution of that Assembly.

5. *Amendment of article 334.*—In article 334 of Constitution, for the words “twenty years”, the words “thirty years” shall be substituted.

The Appropriation (Railways) No 5 Act, 1969

The following Act of Parliament received the assent of the President on the 27th December, 1969, and was published in the *Gazette of India* Ext., Part II-Sec. 1, No. 59, dated December, 27, 1969/Pausa 6, 1891.

Indian Parliament Act No. 48 of 1969.

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

[For the remaining text of the Act see the *Gazette of India*, Ext., Part II Sec. 1, No 59, dated December 27, 1969/Pausa 6, 1891. Editor]

The Appropriation (No. 5) Act, 1969

The following Act of Parliament received the assent of the President on the 27th December 1969, and was published in the *Gazette of India*, Ext., Part II-Sec. 1, No. 59, dated December 27, 1969/Pausa 6, 1891.

Indian Parliament Act No 49 of 1969.

[27th December, 1969]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1968, in excess of the amounts granted for those services and for that year.

[For the remaining text of the Act see the *Gazette of India*, Ext., Part II-Sec. 1, No. 59, dated December 27, 1969/Pausa 6, 1891. Editor]

The Appropriation (No. 6) Act 1969.

The following Act of Parliament received the assent of the President on the 27th December 1969, and was published in the *Gazette of India*, Ext., Part II-Sec 1, No. 59, dated December 27, 1969/Pausa 6, 1891.

Indian Parliament Act No. 50 of 1969.

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

[For the remaining text of the Act see the *Gazette of India*, Ext., Part II-Sec. 1, No. 59, dated December 27, 1969/Pausa 6, 1891. Editor]

The Manipur Appropriation Act, 1969.

The following Act of Parliament received the assent of the President on the 27th December, 1969 and was published in the *Gazette of India*, Ext., Part II-Sec. 1, No. 59, dated December 27, 1969/Pausa 6, 1891.

Indian Parliament Act No. 51 of 1969.

[27th December, 1969]

An Act to authorise payment and appropriation of certain further

sums from and out of the Consolidated Fund of the Unionterritory of Manipur for the services of the financial year 1969-70.

[For the remaining text of the Act see the *Gazette of India*, Ext., Part II-Sec. 1, No. 59, dated December 27, 1969/Pausa 6, 1891. Editor]

The Bihar Appropriation Act, 1969.

The following Act of Parliament received the assent of the President on the 27th December, 1969, and was published in the *Gazette of India*, Ext., Part II-Sec 1, No. 59, dated December 27, 1969/Pausa 6, 1891.

Indian Parliament Act No. 52 of 1969.

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the services of the financial year 1969-70.

[For the remaining text of the Act see the *Gazette of India* Ext., Part II, Sec. 1, No. 59, dated December 27, 1969/Pausa 6, 1891. Editor]

The Monopolies and Restrictive Trade Practices Act, 1969

The following Act of Parliament received the assent of the President on the 27th December, 1969, and was published in the *Gazette of India* Ext, Part II-Sec, 1, No. 61, dated December 27, 1969, Pausa 6, 1891.

Indian Parliament Act No. 54 of 1969.

[27th December, 1969]

An Act to provide that operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement*(1).—This Act may be called the Monopolies and Restrictive Trade Practices Act, 1969.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*.—In this Act, unless the context otherwise requires,

(a) "agreement" includes any arrangement or understanding, whether or not it is intended that such agreement shall be enforceable (apart from any provision of this Act) by legal proceeding;

(b) "Commission" means the Monopolies and Restrictive Trade Practices Commission established under section 5;

(c) "Director" means the Director of Investigation appointed under section 8;

(d) "dominant undertaking" means an undertaking which either by itself or along with inter-connected undertakings,—

(i) produces, supplies, distributes or otherwise controls not less than one-third of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof, or

(ii) provides or otherwise controls not less than one-third of any services that are rendered in India or any substantial part thereof:

Provided that for the purposes of this clause, the goods produced by an undertaking which does not employ—

(a) more than fifty workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(b) more than one hundred workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on, shall not be taken into account.

Explanation I.—Where not less than one-third of the production, supply, distribution or control of any goods or the provision or control of any service is shared by interconnected undertakings each such undertaking shall be deemed, for the purposes of this Act, to be a dominant undertaking.

Explanation II.—Where any goods of any description are the subject of different forms of production, supply, distribution or control, every reference in this Act to such goods shall be construed as reference to any of those forms of production, supply distribution or control, whether taken separately or together or in such groups as may be prescribed.

Explanation III.—Any undertaking which, either by itself or along with inter-connected undertakings, produces supplies, distributes or controls one-third of any goods or provides or controls one-third of any services according to any of the following criteria, namely, value, cost, price, quantity or capacity, of the goods or services or the number of workers employed for the production, supply, distribution or control of such goods or for the rendering of such services, shall be deemed to be a dominant undertaking.

Explanation IV.—In determining the question as to whether an undertaking is or is not a dominant undertaking, regard shall be had to—

(i) the lowest production made, or services rendered by the undertaking concerned during the relevant year, and

(ii) the figures published by the Central Government with regard to the total production made or services rendered in India or any substantial part thereof during the relevant year.

Explanation V.—For the purposes of *Explanation IV*, production includes supply, distribution or control of goods;

Explanation VI.—For the purposes of this clause, “relevant year” means any one year out of the three calendar years immediately preceding calendar year in which the question whether an undertaking is or not a dominant undertaking is determined.

(c) “goods” includes goods produced in India, and, in relation to any goods supplied, distributed or controlled in India, also includes goods imported into India;

(f) “India” means, for the purposes of this Act, the territories to which this Act extends;

(g) “inter-connected undertakings” means two or more undertakings which are inter-connected with each other in any of the following manner, namely:—

(i) if one owns or controls the other,

(ii) where the undertakings are owned by firms, if such firms have one or more common partners,

(iii) where the undertakings are owned by bodies corporate,—

(a) if one manages the other, or

- (b) if one is a subsidiary of the other, or
- (c) if they are under the same management within the meaning of section 370 of the Companies Act, 1956, (1 of 1956) or
- (d) if one exercises control over the other in any other manner,
- (iv) where one undertaking is owned by a body corporate and the other is owned by a firm, if one or more partners of the firm,—
 - (a) hold, directly or indirectly, not less than fifty per cent. of the shares, whether preference or equity, of the body corporate, or
 - (b) exercise control directly or indirectly, whether as director or otherwise, over the body corporate,
- (v) if one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners, if such bodies corporate are under the same management within the meaning of the said section 370,
- (vi) if the undertakings are owned or controlled by the same person or group of persons,
- (vii) if one is connected with the other either directly or through any number of undertakings which are inter-connected undertakings within the meaning of one or more of the foregoing sub-clauses.

Illustration

Undertaking B is inter-connected with undertaking A and undertaking C is inter-connected with undertaking B. Undertaking C is inter-connected with undertaking A; if undertaking D is inter-connected with undertaking C, undertaking D will be inter-connected with undertaking B and consequently with undertaking A; and so on.

Explanation.—For the purpose of clause (g), two or more undertakings shall be deemed to be inter-connected,—

- (a) if one or more undertakings which are inter-connected undertakings [as defined in clause (g)] jointly or severally, own, manage or control the other,
- (b) if one or more individuals together with their relatives, or firms in which such individuals or their relatives are partners, jointly or severally, own, manage or control the other,
- (c) if inter connected undertakings referred to in sub-clause (a) and persons, relatives or firms referred to in sub-clause (b), jointly or severally, own, manage or control the other;
- (h) "member" means a member of the Commission;
- (i) "monopolistic trade practice" means a trade practice which has, or is likely to have, the effect of,—
 - (i) maintaining prices at an unreasonable level by limiting, reducing or otherwise controlling the production, supply or distribution of goods of any description or the supply of any services or in any other manner;
 - (ii) unreasonably preventing or lessening competition in the production supply or distribution of any goods or in the supply of any services;
 - (iii) limiting technical development or capital investment to the common detriment or allowing the quality of any goods produced, supplied or distributed, or any service rendered, in India to deteriorate;
- (j) "monopolistic undertaking" means—
 - (i) a dominant undertaking which,
 - (ii) an undertaking which, together with not more than two other independent undertakings,—

(a) produces, supplies, distributes or otherwise controls not less than one-half of the total goods of any description that are produced,

supplied or distributed in India or any substantial part thereof, or

(b) provides or otherwise controls not less than one-half of the services that are rendered in India or any substantial part thereof;

Provided that for the purposes of this clause, the goods produced by an undertaking which does not employ—

(A) more than fifty workers on any day of the relevant year and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(B) more than one hundred workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on,

shall not be taken into account.

Explanation I.—Any undertaking which, either by itself or along with not more than two other independent undertakings, produces, supplies, distributes or controls one-half of any goods or provides or controls one-half of any services according to any one of the following criteria, namely, value cost, price, quantity or capacity, of the goods or services or the number of workers employed for the production, supply, distribution or control of such goods or for the rendering of such services, shall be deemed to be a monopolistic undertaking.

Explanation II.—In determining the question as to whether an undertaking is or is not a monopolistic undertaking regard shall be had to—

(i) the lowest production made, or services rendered by the undertaking concerned during the relevant year, and

(ii) the figures published by the Central Government with regard to the total production made or services rendered in India or any substantial part thereof during the relevant year.

Explanation III.—For the purposes of Explanation II, production includes supply, distribution or control of goods.

Explanation IV.—For the purposes of this clause, “relevant year” means any one year out of the three calendar years immediately preceding the preceding calendar year in which the question whether an undertaking is or is not a monopolistic undertaking is determined.

(k) “prescribed” means prescribed by rules made under this Act;

(l) “price”, in relation to the sale of any goods or to the performance of any services, includes every valuable consideration, whether direct or indirect, and includes any consideration which in effect relates to the sale of any goods or to the performance of any services although ostensibly relating to any other matter or thing;

(m) “register” means the register kept by the Registrar under section 36;

(n) “Registrar” means the Registrar of Restrictive Trade Agreements appointed under section 34, and includes every Additional, Joint, Deputy or Assistant Registrar appointed under that section;

(o) “restrictive trade practice” means a trade practice which has or may have, the effect of preventing, distorting or restricting competition in any manner and in particular,—

(i) which tends to obstruct the flow of capital or resources into the stream of production, or

(ii) which tends to bring about manipulation of prices, or conditions of delivery or to affect the flow of supplies in the market relating to goods or services in such manner as to impose on the consumers unjustified costs or restrictions;

(p) "retailer", in relation to the sale of any goods, includes every person, other than a wholesaler, who sells the goods to any other person; and in respect of the sale of goods by a wholesaler, to any person for any purpose other than resale, includes that wholesaler;

(q) "scheme of finance" means a scheme indicating the sources from which, and the terms and conditions on which, finances are proposed to be obtained by an undertaking;

(r) "service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, insurance, transport, supply of electrical or other energy, board or lodging or both, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

(s) "trade" means any trade, business, industry, profession or occupation relating to the production, supply, distribution or control of goods and includes the provision of any services;

(t) "trade association" means a body of persons (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its members or of persons represented by its members;

(u) "trade practice" means any practice relating to the carrying on of any trade, and includes—

(i) anything done by any person which controls or affects the price charged by, or the method of trading of, any trader or any class of traders,

(ii) a single or isolated action of any person in relation to any trade;

(v) "undertaking" means an undertaking which is engaged in the production, supply, distribution or control of goods of any description or the provision of service of any kind;

(w) "value of assets", in relation to an undertaking, means the value of its assets as shown in its books of account after making provision for depreciation or for renewals, or diminution in value;

(x) "wholesaler", in relation to the sale of any goods, means a person who sells the goods to any person for the purpose of resale;

(y) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, (1 of 1956) have the meanings respectively assigned to them in that Act.

3. *Act not to apply in certain cases.*—Unless the Central Government by notification in the Official Gazette, otherwise directs, this Act shall not apply to—

(a) any undertaking owned or controlled by a Government company,

(b) any undertaking owned or controlled by the Government,

(c) any undertaking owned or controlled by a corporation (not being a company) established by or under any Central, Provincial or State Act,

(d) any trade union or other association of workmen or employees formed for their own reasonable protection as such workmen or employees,

(e) any undertaking engaged in an industry, the management of which has been taken over by any person or body of persons in pursuance of any authorisation made by the Central Government under any law for the time being in force.

4. *Applications of other laws not barred.*—(1) Save as otherwise

provided in sub-section (2) or elsewhere in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

(2) Notwithstanding anything contained in section 3 or elsewhere in this Act, so much of the provisions of this Act, as relate to matters in respect of which specific provisions exist in the—

(i) Reserve Bank of India Act, 1934, (2 of 1934) or the Banking Regulation Act, 1949, (10 of 1949) or

(ii) State Bank of India Act 1955, (23 of 1955) or the State Bank of India (Subsidiary Banks) Act, 1959, (38 of 1959) or

(iii) Insurance Act, 1938, (4 of 1938)

shall not apply to a banking company, the State Bank of India or a subsidiary bank, as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) or an insurer, as the case may be.

CHAPTER II

Monopolies and Restrictive Trade Practices Commission.

5. *Establishment and Constitution of the Commission.*—(1) For the purposes of this Act, the Central Government shall establish, by notification in the Official Gazette, a commission to be known as the Monopolies and Restrictive Trade Practices Commission which shall consist of a Chairman and not less than two and not more than eight other members, to be appointed by the Central Government.

(2) The Chairman of the Commission shall be a person who is or has been or is qualified to be a Judge of the Supreme Court or of a High Court and the members thereof shall be persons of ability, integrity and standing who have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.

(3) Before appointing any person as a member of the Commission, the Central Government shall satisfy itself that the person does not, and will not have, any such financial or other interest as is likely to affect prejudicially his functions as such member.

6. *Terms of office, conditions of service, etc., of members.*—(1) Every member shall hold office for such period, not exceeding five years, as may be specified by the Central Government in the notification made under sub-section (1) of section 5, but shall be eligible for re-appointment :

Provided that no member shall hold office as such for a total period exceeding ten years, or after he has attained the age of sixty-five years, whichever is earlier.

(2) Notwithstanding anything contained in sub-section (1), a member may—

(a) by writing under his hand and addressed to the Central Government resign his office at any time ;

(b) be removed from his office in accordance with the provisions of section 7.

(3) A casual vacancy caused by the resignation or removal of the Chairman or any other member of the Commission under sub-section (2) or otherwise shall be filled by fresh appointment.

(4) No act or proceeding of the Commission shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

(5) The Chairman of the Commission and other members shall receive such remuneration and other allowances and shall be governed

by such conditions of service as may be prescribed :

Provided that the remuneration of the Chairman or any other member shall not be varied to his disadvantage after his appointment.

(6) In the case of a difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the opinion or orders of the Commission shall be expressed in terms of the views of the majority.

(7) The Chairman of the Commission and every member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form, in such manner and before such authority as may be prescribed.

(8) Any member ceasing to hold office as such shall not hold any appointment in, or be connected with the management or administration of, any industry or undertaking to which this Act applies for a period of five years from the date on which he ceases to hold such office.

7. Removal of members from office in certain circumstances.—(1) The Central Government may remove from any member, who—

(a) has been adjudged an insolvent, or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(c) has become physically or mentally incapable of acting as such member, or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member, or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has on an inquiry held by it in accordance with such procedure as it may specify in this behalf, reported that the member ought, on such grounds, to be removed.

8. Appointment of Director and staff of the Commission.—The Central Government may, in consultation with the Commission, appoint a Director of Investigation for making investigations for the purposes of this Act and may, in addition, make provision with respect to the number of members of the staff of the Commission and their conditions of service:

Provided that the conditions of service of the Director or any member of the staff of the Commission shall not be varied to his disadvantage after his appointment.

9. Salaries, etc., to be defrayed out of the Consolidated Fund of India — The salaries and allowances payable to the members and the administrative expenses, including salaries, allowances and pensions, payable to or in respect of officers and other employees of the Commission, shall be defrayed out of the Consolidated Fund of India.

Jurisdiction, powers and procedure of the Commission.

10. Inquiry into monopolistic or restrictive trade practices by Commission.—The Commission may inquire into—

(a) any restrictive trade practice—

(i) upon receiving a complaint of facts which constitute such practice from any trade or consumers' association having a membership of

not less than twenty-five persons or from twenty-five or more consumers, or

(ii) upon a reference made to it by the Central Government or a State Government, or

(iii) upon an application made to it by the Registrar, or

(iv) upon its own knowledge or information ;

(b) any monopolistic trade practice, upon a reference made to it by the Central Government or upon its own knowledge or information.

11. *Investigation by Director before issue of process in certain cases.*—In respect of any restrictive trade practice of which complaint is made under sub-clause (i) of clause (a) of section 10, the Commission shall, before issuing any process requiring the attendance of the person complained against, cause a preliminary investigation to be made by the Director, in such manner as it may direct, for the purpose of satisfying itself that the complaint requires to be inquired into.

12. *Powers of the Commission.*—(1) The Commission shall, for the purposes of any inquiry under this act have the same powers as are vested in the Civil Court under the Code of Civil Procedure 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely :—

(a) the summoning and enforcing the attendance of any witness and examining him on oath ;

(b) the discovery and production of any document or other material object producible as evidence ;

(c) the reception of evidence on affidavits ;

(d) the requisitioning of any public record from any court or office ;

(e) the issuing of any commission for the examination of witnesses.

(2) Any proceeding before the Commission shall be deemed to be a judicial proceedings within the meaning of sections 193 and 218 of the Indian Penal Code (45 of 1860), and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898),

(3) The Commission shall have power to require any person—

(a) to produce before, and allow to be examined and kept by, an officer of the Commission specified in this behalf, such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the requisition, being documents relating to any trade practice, the examination of which may be required for the purposes of this Act ; and

(b) to furnish to an officer so specified such information as respects the trade practice as may be required for the purposes of this Act or such other information as may be in his possession in relation to the trade carried on by any other person.

(4) For the purpose of enforcing the attendance of witnesses the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

13. *Orders of Commission may be subject to conditions, etc.*—(1) In making any order under this Act, the Commission may make such provisions not inconsistent with this Act, as it may think necessary or desirable for the proper execution of the order and any person who commits a breach of or fails to comply with any obligation imposed on him by any such provision shall be deemed to be guilty of an offence under this Act.

(2) Any order made by the Commission may be amended or revoked at any time in the manner in which it was made.

(3) An order made by the Commission may be general in its application or may be limited to any particular class of traders or a particular class of trade practice or a particular trade practice or a particular locality.

14. *Orders where party concerned does not carry on business in India.*—Where any practice substantially falls within monopolistic or restrictive trade practice, or both, relating to the production, supply, distribution or control of goods of any description or the provision of any services and any party to such practice does not carry on business in India, an order may be made under this act with respect to that part of the practices which is carried on in India

15. *Restriction of application of orders in certain cases.*—No order made under this Act with respect to any monopolistic or restrictive trade practice shall operate so as to restrict—

(a) the right of any person to restrain any infringement of a patent granted in India, or

(b) any person as to the condition which he attaches to a licence to do anything, the doing of which but for the licence would be an infringement of a patent granted in India, or

(c) the right of any person to export goods from India, to the extent to which the monopolistic or restrictive trade practice relates exclusively to the production, supply, distribution or control of goods for such export.

16. *Sittings of the Commission.*—(1) The Central office of the Commission shall be in Delhi but the Commission may sit at such places in India and at such times as may be most convenient for the exercise of its powers or functions under this Act.

(2) The powers or functions of the Commission may be exercised or discharged by Benches formed by the Chairman of the Commission from among the members.

17. *Hearing to be in public except in special circumstances (1).*—Subject to the provisions of sub-section (2), the hearing of proceedings before the Commission shall be in public.

(2) Where the Commission is satisfied that it is desirable to do so by reason of the confidential nature of any offence or matter or for any other reason, the Commission may—

(a) hear the proceeding or any part thereof in private;

(b) give directions as to the persons who may be present there at;

(c) prohibit or restrict the publication of evidence given before the Commission (whether in public or in private) or of matters contained in documents filed before the Commission.

18. *Procedure of the Commission.*—(1) Subject the provisions of this Act the Commission shall have power to regulate—

(a) the procedure and conduct of its business;

(b) the procedure of Benches of the Commission;

(c) the delegation to one or more members of such powers or functions as the Commission may specify.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the powers of the Commission shall include the power to determine the extent to which persons interested or claiming to be interested in the subject-matter of any proceeding before it are allowed to be present or to be heard, either by themselves or by their representatives or to cross examine witnesses or otherwise to take part in the proceeding.

19. *Orders of the Commission to be noted in the register.*—The Commission shall cause an authenticated copy of every order made by it in respect of a restrictive trade practice to be forwarded to the Registrar who shall have it recorded in such manner as may be prescribed.

CHAPTER III CONCENTRATION OF ECONOMIC POWER

Part A

20. *Undertakings to which this Part applies.*—This Part shall apply to—

- (a) an undertaking if the total value of the value of its assets.—
 - (i) its own assets, or
 - (ii) its own assets together with the assets of its interconnected undertakings,
- is not less than twenty crores of rupees;
- (b) a dominant undertaking—
 - (i) where it is a single undertaking—
 - (ii) where it consists of more than one undertaking, the sum-total of the value of the assets of all the inter-connected undertakings constituting the dominant undertaking,
- is not less than one crore of rupees.

Explanation.—The value referred to in this section shall be,—

- (i) in the case of an undertaking referred to in clause (a) or clause (b), as the case may be, the value of its assets on the last day of its financial year which closes during the calendar year immediately preceding the calendar year in which the question arises as to whether this Part does or does not apply to such undertaking; and
- (ii) in the case of an inter connected under-taking, the value of its assets on the last day of its financial year which closes during the calendar year immediately preceding the calendar year in which the question arises as to whether this Part does or does not apply to the undertaking referred to in clause (a) or clause (b).

21. *Expansion of undertakings.*—(1) Subject to the provisions of section 23, where an undertaking to which this Part applies proposes to substantially expand its activities by the issue of fresh capital or by the installation of new machinery or other equipment or in any other manner, it shall, before taking any action to give effect to the proposal for such expansion, give to the Central Government notice, in the prescribed form, of its intention to make such expansion, stating therein the scheme of finance with regard to the proposed expansion, whether it is connected with any other undertaking or undertakings and if so, giving particulars relating to all the inter-connected under-takings and such other information as may be prescribed

(a) Notwithstanding anything contained in any other law for the time being in force no undertaking shall give effect to any proposal for its substantial expansion unless such proposal has been approved by the Central Government.

Explanation—For the purpose of this section, an undertaking shall be deemed to expand substantially if, after such expansion,—

- (a) in the case of an undertaking to which clause (a) of section 20 applies—
 - (i) the value of its assets, before the expansion, would result in an increase by not less than twenty-five per cent, of such value, or
 - (ii) the production, supply or distribution of any goods or the provision of any services by it before the expansion, would result in an increase by not less than twenty-five per cent. of the goods produced, supplied, distributed or controlled, or services provided, by it;

(b) in the case of an undertaking to which clause (b) of section 20 applies, the production, supply, distribution or control of any goods or the provision of any services by it would result in an increase by not less than twenty-five per cent. of the goods produced, supplied, distributed or controlled, or services provided, by it before the expansion.

(3) (a) The Central Government may call upon the undertaking concerned to satisfy it that the proposed expansion or the scheme of finance with regard to such expansion is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest in any other manner and thereupon the Central Government may, if it is satisfied that it is expedient in the public interest so to do, by order accord approval to the proposal for such expansion.

(b) If the Central Government is of opinion that no such order as is referred to in clause (a) can be made without a further inquiry, it may refer the application to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(c) Upon receipt of the report of the Commission, the Central Government may pass such orders with regard to the proposal for the expansion of the undertaking as it may think fit.

(d) No scheme of any expansion approved by the Central Government and no scheme of finance with regard to such expansion shall be modified except with the previous approval of the Central Government.

(4) Nothing in this section shall apply to any industrial undertaking (which is not a dominant undertaking) to which section 13 of the Industries (Development and Regulation) Act, 1951, (65 of 1951) applies, in so far as the expansion relates to production of the same or similar type of goods.

22. *Establishment of new undertakings.*—(1) No person or authority, other than Government, shall, after the commencement of this Act, establish any new undertaking which, when established, would become an inter-connected undertaking of an undertaking to which clause (a) of section 20 applies, except under, and in accordance with, the previous permission of the Central Government.

(2) Any person or authority intending to establish a new undertaking referred to in sub-section (1) shall, before taking any action for the establishment of such undertaking, make an application to the Central Government in the prescribed form for that Government's approval to the proposal of establishing any undertaking and shall set out in such application information with regard to the inter-connection, if any, of the new undertaking (which is intended to be established) with every other undertaking, the scheme of finance for the establishment of the new undertaking and such other information as may be prescribed.

(i) (a) The Central Government may call upon the person or authority to satisfy it that the proposal to establish a new undertaking or the scheme of finance with regard to such proposal is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest in any other manner and thereupon the Central Government may, if it is satisfied that it is expedient in the public interest so to do, by order accord approval to the proposal.

(b) If the Central Government is of opinion that no such approval as is referred to in clause (a) can be made without further inquiry, it may refer the application to the Commission for an inquiry and the

Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(c) Upon receipt of the report of the Commission, the Central Government may pass such orders with regard to the proposal for the establishment of a new undertaking as it may think fit.

(d) No scheme of finance on the strength of which the establishment of a new undertaking has been approved by the Central Government shall be modified except with the previous approval of that Government.

23. *Merger, amalgamation and take over.*—(1) Notwithstanding anything contained in any other law for the time being in force,—

(a) no scheme of merger or amalgamation of an undertaking to which this Part applies with any other undertaking,

(b) no scheme of merger or amalgamation of two or more undertakings which would have the effect of bringing into existence an undertaking to which clause (a) or clause (b) of section 20 would apply, shall be sanctioned by any Court or be recognised for any purpose or be given effect to unless the scheme for such merger or amalgamation has been approved by the Central Government under this Act.

(2) If any undertaking to which this Part applies frames a scheme of merger or amalgamation with any other undertaking, or a scheme of merger or amalgamation is proposed between two or more undertakings, and, if as a result of such merger or amalgamation, an undertaking would come into existence to which clause (a) or clause (b) of section 20 would apply, it shall, before taking any action to give effect to the proposed scheme, make an application to the Central Government in the prescribed form with a copy of the scheme annexed thereto, for the approval of the scheme.

(3) Nothing in sub-section (1) or sub-section (2) shall apply to the scheme of merger or amalgamation of such inter-connected undertakings as are not dominant undertakings and as produce the same goods.

(4) If an undertaking to which this Part applies proposes to acquire by purchase, take over or otherwise the whole or part of an undertaking which will or may result either—

(a) in the creation of an undertaking to which this Part would apply; or

(b) in the undertaking becoming an inter-connected undertaking of an undertaking to which this Part applies.

it shall, before giving any effect to its proposals, make an application in writing to the Central Government in the prescribed form of its intention to make such acquisition, stating therein information, regarding its inter connection with other undertakings, the scheme of finance with regard to the proposed acquisition and such other information as may be prescribed.

(5) No proposal referred to in sub-section (4) which has been approved by the Central Government and no scheme of finance with regard to such proposal shall be modified except with the previous approval of the Central Government.

(6) On receipt of an application under sub-section (2) or sub-section (4), the Central Government may, if it thinks fit, refer the matter to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(7) On receipt of the Commission's report the Central Government may pass such orders as it may think fit.

(8) Notwithstanding anything contained in any other law for the time being in force, no proposal to acquire by purchase, take over or

otherwise of an undertaking to which this Part applies shall be given effect to unless the Central Government has made an order according its approval to the proposal.

(9) Nothing in sub-section (4) shall apply to the acquisition by an undertaking, which is not a dominant undertaking, of another undertaking which is not also a dominant undertaking, if both such undertakings produce the same goods :

Provided that nothing in this sub-section shall apply if as a result of such acquisition an undertaking comes into existence to which clause (a) or clause (b) of section 20 would apply.

24. *Merger, amalgamation or take over in contravention of section 23.*—Where any merger, amalgamation or take over is being, or has been, effected in contravention of the provisions of section 23, the Central Government may, after such consultation with the Commission as it may consider necessary, direct, without prejudice to any penalty which may be imposed under this Act for such contravention, the undertaking concerned to cease and desist from such contravention, to divest itself of the stock or other share capital or assets so acquired and to carry out such further directions as the Central Government may, in all the circumstances of the case, issue.

25. *Directors of undertakings not to be appointed directors of other undertakings.*—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no person, who is a director of an undertaking to which this part applies, shall be appointed, after the commencement of this Act, as a director of any other undertaking except with the prior approval of the Central Government and any appointment contrary to the provisions of this section shall be void:

Provided that the approval of the Central Government shall not be necessary to the appointment of a person as a director of an undertaking unless he holds such office in more than ten interconnected undertakings.

(2) Notwithstanding anything contained in sub-section (1), no act done by a person as a director shall be invalid merely on the ground that his appointment was void by reason of this section or of any provision of this Part:

Provided that nothing in this section shall be deemed to give validity to any act done by a director after his appointment has been shown to the undertaking and the Director concerned to be void.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, every director holding such directorship as is not consistent with the provisions of this section shall, unless his appointment expires earlier, obtain within a period of one year from the commencement of this Act, the approval of the Central Government to such appointment and if he fails to do so, his appointment shall, on the expiry of the said period, become void,

(4) The provisions of sub-sections (1), (2) and (3) shall, as far as may be, apply to partners of any firm which is an undertaking within the meaning of this Act, as they apply to directors of companies.

26. *Registration of undertakings to which Part A applies.*—(1) Every undertaking to which this Part applies at the commencement of this Act or to which the provisions of that Part become applicable thereafter, shall, within sixty days from such commencement or the date on which that Part becomes first applicable to it, or within such further time as the Central Government may, on sufficient cause being shown, allow, make an application (in such form and containing such particulars as

may be prescribed) to the Central Government for its registration as such undertaking.

(2) The Central Government shall, on receipt of the application referred to in sub-section (1), forthwith enter the name of the undertaking in a register to be maintained for the purpose and issue to the undertaking concerned a certificate of registration containing such particulars as may be prescribed.

(3) Any undertaking which has ceased to be an undertaking to which this Part applies may, at any time after such ceasing, apply to the Central Government for cancellation of the registration and the Central Government may, after making such inquiry as it may think fit, cancel the registration of such undertaking and notify such cancellation in the Official Gazette.

PART B

27. *Division of undertakings.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government may, if it is of opinion that the working of an undertaking to which Part A of this Chapter applies, is prejudicial to the public interest, or has led, or is leading, or is likely to lead, to the adoption of any monopolistic or restrictive trade practices, refer the matter to the Commission for an inquiry as to whether it is expedient in the public interest to make an order,—

(a) for the division of any trade of the undertaking by the sale of any part of the undertaking or assets thereof, or,

(b) for the division of any undertaking or inter-connected undertakings into such number of undertakings as the circumstances of the case may justify, and the Commission may, after such hearing as it thinks fit report to the Central Government its opinion thereon and shall, where it is of opinion that a division ought to be made, specify the manner of the division and compensation if any, payable for such division.

Explanation. For the purposes of this section all activities carried on by way of trade by an undertaking or two or more inter-connected undertakings may be treated as a single trade.

(2) If the Commission so recommends, the Central Government may, notwithstanding anything contained in any other law for the time being in force, by an order, in writing, direct the division of any trade of the undertaking or of the undertaking or inter-connected undertakings.

(3) Notwithstanding anything contained in any other law for the time being in force, the order referred to in sub-section (2) may provide for all such matters as may be necessary to give effect to the division of any trade of the undertaking or of the undertaking or inter-connected undertakings, including,—

(a) the transfer or vesting of property, rights, liabilities or obligations;

(b) the adjustment of contracts either by the discharge or reduction of any liability or obligation or otherwise;

(c) the creation, allotment, surrender or cancellation of any shares, stock or securities;

(d) the payment of compensation;

(e) the formation, or winding up of an undertaking or the amendment of the memorandum and articles of association or any other instruments regulating the business of any undertaking;

(f) the extent to which and the circumstances in which provisions of the order affecting an undertaking may be altered by the undertaking and the registration thereof;

(g) the continuation, with such changes as may be necessary, of parties to any legal proceeding.

(4) Where the Central Government makes, or intends to make, an order for any purpose mentioned in sub-section (3), it may, with a view to achieving that purpose, prohibit or restrict the doing of anything that might impede the operation or making of the order and may impose on any person such obligations as to the carrying on of any activities or the safeguarding of any assets, as it may think fit, or it may, by order, provide for the carrying on of any activities or safeguarding of any assets either by appointment of a person to conduct, or supervise the conduct of, any such activities or in any other manner.

(5) Notwithstanding anything contained in any other law for the time being in force or in any contract or in any memorandum or articles of association, an officer of a company who ceases to hold office as such in consequence of the division of an undertaking or inter-connected undertakings shall not be entitled to claim any compensation for such cesser.

PART C

28. *Matters to be considered by the Central Government before according approval.*—In exercising its powers under Part A or Part B of this Chapter, the Central Government, or, as the case may be, the Commission shall take into account all matters which appear in the particular circumstances to be relevant and, among other things, regard shall be had to the need consistently with the general economic position of the country—

(a) to achieve the production, supply and distribution, by most efficient and economical means of goods of such types and qualities, in such volume and at such prices as will best meet the requirements of the defence of India, and home and overseas markets;

(b) to have the trade organised in such a way that its efficiency is progressively increased;

(c) to ensure the best use and distribution of men, materials and industrial capacity in India;

(d) to effect technical and technological improvements in trade and expansion of existing markets and the opening up of new markets;

(e) to encourage new enterprises as a countervailing force to the concentration of economic power to the common detriment;

(f) to regulate the control of the material resources of the community to subserve the common good; and

(g) to reduce disparities in development between different regions and more especially in relation to areas which have remained markedly backward.

29. *Opportunity of being heard.*—Before making an order under this Chapter, the Central Government shall give a reasonable opportunity of being heard to any person who is, or may be, in its opinion, interested in the matter under the consideration of that Government.

30. *Time within which action should be taken.*—(1) Where the Central Government is of opinion that no approval can be accorded under section 21 or section 22, or no order under section 23 can be made, unless a further inquiry has been held into the matter by the Commission, it shall refer the matter to the Commission within sixty days

from the date of receipt of the notice under section 21, application under section 22 or the proposal under section 23, as the case may be :

Provided that where further particulars in connection with any such notice, application or proposal are called for by the Central Government, the said period of sixty days shall be computed from the date on which such further particulars are furnished to that Government.

(2) Where any notice, application or proposal under this Chapter is referred to the Commission for an inquiry, it shall be the duty of the Commission to make its report on the matter referred to it within ninety days from the date on which the reference is received by it, except where the Commission, for special reasons recorded by it in writing, is of opinion that the report cannot be made by it within the said period of ninety days.

(3) Every notice, application or proposal in respect of which a report has been submitted by the Commission to the Central Government shall be disposed of by that Government within sixty days from the date of receipt of the report of the Commission.

(4) Every notice, application or proposal which has not been referred to the Commission, shall be disposed of by the Central Government within ninety days from the date on which such notice, application or proposal, as the case may be, is received by it, except where the Central Government, for special reasons recorded by it in writing, is of opinion that the notice, application or proposal, as the case may be, cannot be disposed of within the said period of ninety days.

CHAPTER IV

MONOPOLISTIC TRADE PRACTICES

31. *Investigation by Commission of monopolistic trade practices.*—(1) Where it appears to the Central Government that one or more monopolistic undertakings are indulging in any monopolistic trade practice, or that, monopolistic trade practices prevail in respect of any goods or services, that Government may refer the matter to the Commission for an inquiry and the Commission shall, after such hearing as it thinks fit, report to the Central Government its findings thereon.

(2) If as a result of such inquiry, the Commission makes a finding to the effect that, having regard to the economic conditions prevailing in the country and to all other matters which appear in particular circumstances to be relevant, the trade practice operates or is likely to operate against the public interest, the Central Government may, notwithstanding anything contained in any other law for the time being in force, pass such orders as it may think fit to remedy or prevent any mischiefs which result or may result from such trade practice.

(3) Any order made by the Central Government under this section may include an order—

(a) regulating the production, supply, distribution or control of any goods by the undertaking or the control or supply of any service by it and fixing the terms of sale (including prices) or supply thereof ;

(b) prohibiting the undertaking from resorting to any act or practice or from pursuing any commercial policy which prevents or lessens, or is likely to prevent or lessen, competition in the production, supply or distribution of any goods or provision of any services ;

(c) fixing standards for the goods used or produced by the undertaking ;

(d) declaring unlawful, except to such extent and in such circumstances as may be provided by or under the order, the making or carrying out of any such agreement as may be specified or described in the order ;

(e) requiring any party to any such agreement as may be so specified or described to determine the agreement within such time as may be so specified, either wholly or to such extent as may be so specified.

32. *Monopolistic trade practice when to be deemed to be prejudicial to public interest.*—For the purposes of this Chapter, a monopolistic trade practice shall be deemed to be prejudicial to public interest if, having regard to the economic conditions prevailing in the country and to all other matters which are relevant in the particular circumstances, the effect of the trade practice is or would be—

(a) to increase unreasonably the cost relating to the production, supply or distribution of goods or the performance of any service ;

(b) to increase unreasonably—

(i) the prices at which goods are sold, or

(ii) the profits derived from the production, supply or distribution of goods or from the performance of any service ;

(c) to reduce or limit unreasonably competition in the production, supply or distribution of any goods (including their sale or purchase) or the provision of any service ;

(d) to limit or prevent unreasonably to supply of goods to consumers, or the provision of any service ;

(e) to result in a deterioration in the quality of any goods or in the performance of any service.

CHAPTER V

REGISTRATION OF AGREEMENT RELATING TO RESTRICTIVE TRADE PRACTICES

33. *Registrable agreements relating to restrictive trade practices.*—(1) Any agreement relating to a restrictive trade practice falling within one or more of the following categories shall be subject to registration in accordance with the provisions of this Chapter, namely :—

(a) any agreement which restricts, or is likely to restrict, by any method the persons or classes of persons to whom goods are sold or from whom goods are bought ;

(b) any agreement requiring a purchaser of goods, as a condition of such purchase, to purchase some other goods ;

(c) any agreement restricting in any manner the purchaser in the course of his trade from acquiring or otherwise dealing in any goods other than those of the seller or any other person ;

(d) any agreement to purchase or sell goods or to tender for the sale or purchase of goods only at prices or on terms or conditions agreed upon between the sellers or purchasers ;

(e) any agreement to grant or allow concessions or benefits, including allowances, discount, rebates or credit in connection with, or by reason of, dealings ;

(f) any agreement to sell goods on condition that the prices to be charged on re-sale by the purchaser shall be the prices stipulated by the seller unless it is clearly stated that prices lower than those prices may be charged ;

(g) any agreement to limit, restrict or withhold the output or supply of any goods or allocate any area or market for the disposal of the goods ;

(h) any agreement not to employ or restrict the employment of any method, machinery or process in the manufacture of goods ;

(i) any agreement for the exclusion from any trade association of any person carrying on or intending to carry on in good faith the trade in relation to which the trade association is formed ;

(j) any agreement to sell goods at such prices as would have the effect of eliminating competition or a competitor ;

(k) any agreement not hereinbefore referred to in this section which the Central Government may, by notification in the Official Gazette, specify for the time being as being one relating to a restrictive trade practice within the meaning of this sub-section pursuant to any recommendation made by the Commission in this behalf ;

(l) any agreement to enforce the carrying out of any such agreement as is referred to in this sub-section.

(2) The provisions of this section shall apply, so far as may be, in relation to agreements making provision for services as they apply in relation to agreements connected with the production, supply, distribution or control of goods.

(3) No agreement falling within this section shall be subject to registration in accordance with the provisions of this Chapter if it is expressly authorised by or under any law for the time being in force or has the approval of the Central Government or if the Government is a party to such agreement.

34. *Registrar of restrictive trade agreements.*—(1) For maintaining a register of agreements subject to registration under this Act and for performing the other functions imposed on him by this Act, there shall be appointed by the Central Government an officer to be known as the Registrar of Restrictive Trade Agreements.

(2) The Central Government may appoint as many persons as it thinks fit to be Additional, Joint, Deputy or Assistant Registrars for the purpose of assisting the Registrar in the performance of his functions under this Act.

35. *Registration of agreements.*—(1) The Central Government shall, by notification in the Official Gazette, specify a day (hereinafter referred to as the appointed day) on and from which every agreement falling within section 33 shall become registrable under this Act;

Provided that different days may be appointed for different categories of agreements.

(2) Within sixty days from the appointed day, in the case of an agreement existing on that day, and in the case of an agreement made after the appointed day, within sixty days from the making thereof, there shall be furnished to the Registrar in respect of every agreement falling within section 33, the following particulars, namely:—

(a) the names of the persons who are parties to the agreement ;

and

(b) the whole of the terms of the agreement.

(3) If at any time after the agreement has been registered under this section, the agreement is varied (whether in respect of the parties or in respect of the terms thereof) or determined otherwise than by efflux of time, particulars of the variation or determination shall be furnished to the Registrar within one month after the date of the variation or determination.

(4) The particulars to be furnished under this section in respect of an agreement shall be furnished—

(a) in so far as the agreement or any variation or determination of the agreement is made by an instrument in writing by the production of the original or a true copy of that agreement ; and

(b) in so far as the agreement or any variation or determination of the agreement is not so made; by the production of memorandum

in writing signed by the person by whom the particulars are furnished.

(5) The particulars to be furnished under this section shall be furnished by or on behalf of any person who is a party to the agreement or as the case may be, was a party thereto immediately before its determination, and where the particulars are duly furnished by or on behalf of any such person, the provisions of this section shall be deemed to be complied with on the part of all such person.

Explanation I—Where any agreement subject to registration under this section relates to the production, supply, distribution or control of goods or the performance of any services in India and any party to the agreement carries on business in India, the agreement shall be deemed to be an agreement within the meaning of this section, notwithstanding that any other party to the agreement does not carry on business in India.

Explanation II.—Where an agreement is made by a trade association the agreement for the purposes of this section shall be deemed to be made by all persons who are members of the association or represented thereon as if each such person were a party to the agreement.

Explanation III—Where specific recommendations, whether express or implied, are made by or on behalf of a trade association to its members, or to any class of its members, as to the action to be taken or not to be taken by them in relation to any matter affecting the trade conditions of those members, this section shall apply in relation to the agreement for the constitution of the association notwithstanding any provision to the contrary therein as if it contained a term by which each such member and any person represented on the association by any such member agreed with the association to comply with those recommendations and any subsequent recommendations affecting those recommendations.

36. *Keeping the register* (1).—For the purposes of this Act, the Registrar shall keep a register in the prescribed form and shall enter therein the prescribed particulars as regards agreements subject to registration.

(2) The Registrar shall provide for the maintenance of a special section of the register for the entry or filing in that section of such particulars as the Commission may direct, being—

(a) particulars containing information the publication of which would, in the opinion of the Commission, be contrary to the public interest;

(b) particulars containing information as to any matter, being information the publication of which, in the opinion of the Commission, would substantially damage the legitimate business interests of any person.

(3) Any party to an agreement required to be registered under section 35 may apply to the Registrar—

(i) for the agreement or any part of the agreement to be excluded from the provisions of this Chapter relating to the registration on the ground that the agreement or part thereof has no substantial economic significance, or

(ii) for inclusion of any provision of the agreement in the special section,

and the Registrar shall dispose of the matter in conformity with any general or special directions issued by the Commission in this behalf.

CHAPTER VI

Control of Certain Restrictive Trade Practices

37. *Investigation into restrictive trade practices by Commission.*—(1)

The Commission may inquire into any restrictive trade practice, whether the agreement, if any, relating thereto has been registered under section 35 or not, which may come before it for inquiry and, if, after such inquiry it is of opinion that the practice is prejudicial to the public interest, the Commission may, by order, direct that—

- (a) the practice shall be discontinued or shall not be repeated ;
- (b) the agreement relating thereto shall be void in respect of such restrictive trade practice or shall stand modified in respect thereof in such manner as may be specified in the order.

(2) The Commission may, instead of making any order under this section, permit the party to any restrictive trade practice, if he so applies to take such steps within the time specified in this behalf by the Commission as may be necessary to ensure that the trade practice is no longer prejudicial to the public interest, and, in any such case, if the Commission is satisfied that the necessary steps have been taken within the time specified, it may decide not to make any order under this section in respect of that trade practice.

(3) No order shall be made under sub-section (1) in respect of—

(a) any agreement between buyers relating to goods which are bought by the buyers for consumption and not for ultimate re-sale whether in the same or different form, type or specie or as constituent of some other goods ;

(b) a trade practice which is expressly authorised by any law for the time being in force.

(4) Notwithstanding anything contained in this Act, if the Commission, during the course of an inquiry under sub-section (1), finds that a monopolistic undertaking is indulging in restrictive trade practices, it may, after passing such orders under sub-section (1) or sub-section (2) with respect to the restrictive trade practices as it may consider necessary, submit the case along with its findings thereon to the Central Government with regard to any monopolistic trade practice for such action as that Government may take under section 31.

38. *Presumption as to the public interest.*—(1) For the purposes of any proceedings before the Commission under section 37, a restrictive trade practice shall be deemed to be prejudicial to the public interest unless the Commission is satisfied of any one or more of the following circumstances, that is to say—

(a) that the restriction is reasonably necessary, having regard to the character of the goods to which it applies, to protect the public against injury (whether to persons or to premises) in connection with the consumption, installation or use of those goods ;

(b) that the removal of the restriction would deny to the public as purchasers, consumers or users of any goods, other specific and substantial benefits or advantages enjoyed or likely to be enjoyed by them as such, whether by virtue of the restriction itself or of any arrangements or operations resulting therefrom;

(c) that the restriction is reasonably necessary to counteract measures taken by any one person not party to the agreement with a view to preventing or restricting competition in or in relation to the trade or business in which the persons party thereto are engaged ;

(d) that the restriction is reasonably necessary to enable the persons party to the agreement to negotiate fair terms for the supply of goods to, or the acquisition of goods from, any one person not party thereto who controls a preponderant part of the trade or business of acquiring or supplying such goods, or for the supply of goods to any person not party

to the agreement and not carrying on such a trade or business who, either alone or in combination with any other such persons, controls a preponderant part of the market for such goods ;

(e) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to have a serious and persistent adverse effect on the general level of unemployment in an area, or in areas taken together, in which a substantial proportion of the trade, or industry to which the agreement relates is situated ;

(f) that having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to cause a reduction in the volume or earnings of the export business which is substantial either in relation to the whole export business of India or in relation to the whole business (including export business) of the said trade or industry ;

(g) that the restriction is reasonably required for purposes in connection with the maintenance of any other restriction accepted by the parties, whether under the same agreement or under any other agreement between them, being a restriction which is found by the Commission not to be, contrary to the public interest upon grounds other than those specified in this paragraph, or has been so found in previous proceedings before the Commission ; or

(h) that the restriction does not directly or indirectly restrict or discourage competition to any material degree in any relevant trade or industry and is not likely to do so.

and is further satisfied (in any such case) that the restriction is not unreasonable having regard to the balance between those circumstances and any detriment to the public or to persons not parties to the agreement (being purchasers, consumers or users of goods produced or sold by such parties, or persons engaged or seeking to become engaged in the trade or business of selling such goods or of producing or selling similar goods) resulting or likely to result from the operation of the restriction.

(2) In this section "purchasers", "consumers" and "users" include persons purchasing, consuming or using for the purpose or in course of trade or business or for public purposes; and references in this section to any one person include references to any two or more persons being inter-connected undertakings or individuals carrying on business in partnership with each other.

39 *Special conditions for avoidance of conditions for maintaining re-sale prices*—(1) Without prejudice to the provisions of this Act with respect to registration and to any of the powers of the Commission or of the Central Government under this Act, any term or condition of a contract for the sale of goods by a person to a wholesaler or retailer or any agreement between a person and a wholesaler or retailer relating to such sale shall be void in so far as it purports to establish or provide for the establishment of minimum prices to be charged on the re-sale of goods in India.

(2) After the commencement of this Act, no supplier of goods whether directly or through any person or association of persons acting on his behalf shall notify to dealers or otherwise publish on or in relation to any goods, a price stated or calculated to be understood as the minimum price which may be charged on the re-sale of the goods in India.

(3) This section shall apply to patented articles (including articles made by a patented process and articles made under any trade mark)

as it applies to other goods and notice of any term or condition which is void by virtue of this section or which would be so void if included in a contract of sale or agreement relating to the sale of such article shall be of no effect for the purpose of limiting the right of a dealer to dispose of that article without infringement of the patent or trade mark, as the case may be:

Provided that nothing in this section shall affect the validity as between the parties and their successors, of any term or condition of a licence granted by the proprietor of a patent or trade mark by a licensee under any such licence or of any assignment of a patent or trade mark, so far as it regulates the price at which articles produced or processed by the licensee or the assignee may be sold by him.

Explanation.—In this section and in section 40, the term “supplier”, in relation to supply of any goods, means a person who supplies goods to any person for the ultimate purpose of re-sale and includes a wholesaler, and the term “dealer” includes a supplier and a retailer.

40. *Prohibition of other measures for maintaining re-sale prices.*—(1) Without prejudice to the provisions of this Act with respect to registration and to any of the powers of the Commission or of the Central Government under this Act, no supplier shall withhold supplies of any goods from any wholesaler or retailer seeking to obtain them for re-sale in India on the ground that the wholesaler or retailer—

(a) has sold in India at a price below re-sale price, goods obtained, either directly or indirectly, from that supplier, or has supplied such goods, either directly or indirectly, to a third party who had done so; or

(b) is likely if the goods are supplied to him to sell them in India at a price below that price or supply them, either directly or indirectly, to a third party who would be likely to do so.

(2) Nothing contained in sub-section (1) shall render it unlawful for a supplier to withhold supplies of goods from any wholesaler or retailer or to cause or procure another supplier to do so if he has reasonable cause to believe that the wholesaler or the retailer, as the case may be, has been using as loss leaders any goods of the same or a similar description whether obtained from that supplier or not.

(3) A supplier of goods shall be deemed to be withholding supplies of goods from a dealer if he—

(a) refuses or fails to supply those goods to the order of the dealer;

(b) refuses to supply those goods to the dealer except at prices, or on terms or conditions as to credit, discount or other matters which are less favourable than those at or on which he normally supplies those goods to other dealers carrying on business in similar circumstances; or

(c) treats a dealer, in spite of a contract with such dealer for the supply of goods, in a manner less favourable than that in which he normally treats other dealers in respect of time or methods of delivery or other matters arising in the performance of the contract.

(4) A supplier shall not be deemed to be withholding supplies of goods on any of the grounds mentioned in sub-section (1), if, in addition to that ground, he has any other ground which alone would entitle him to withhold such supplies.

Explanation I.—“Re-sale price”, in relation to sale of goods of any description, means any price notified to the dealer or otherwise published by or on behalf of the supplier of the goods in question (whether lawfully or not) as the price or minimum price which is to be charged on, or is recommended as appropriate for, a sale of that description or any price prescribed or purporting to be prescribed for that purpose by

any contract or agreement between the wholesaler or retailer and any such supplier.

Explanation II.—A wholesaler or retailer is said to use goods as loss leaders when he re-sells them otherwise than in a genuine seasonal or clearance sale not for the purpose of making a profit on the re-sale but for the purpose of attracting to the establishment at which the goods are sold, customers likely to purchase other goods or otherwise for the purpose of advertising his business.

41. *Power of Commission to exempt particular classes of goods from sections 39 and 40.*—(1) The Commission may, on a reference made to it by the Registrar or any other person interested, by order, direct that goods of any class specified in the order shall be exempt from the operation of sections 39 and 40 if the Commission is satisfied that in default of a system of maintained minimum re-sale prices applicable to those goods—

(a) the quality of goods available for sale or the varieties of goods so available would be substantially reduced to the detriment of the public as consumers or users of those goods, or

(b) the prices at which the goods are sold by retail would, in general and in the long run, be increased to the detriment of the public as such consumers or users, or

(c) any necessary services actually provided in connection with or after the sale of the goods by retail would cease to be so provided or would be substantially reduced to the detriment of the public as such consumers or users.

(2) On a reference under this section in respect of goods of any class which have been the subject of proceedings before the Commission under section 31, the Commission may treat as conclusive any evidence of fact made in those proceedings.

CHAPTER VII

Power to obtain information and appoint Inspectors

42. *Power of Registrar to obtain information.*—(1) If the Registrar has reasonable cause to believe that any person is a party to an agreement subject to registration under section 35, he may give notice to that person requiring him within such time, not less than thirty days, as may be specified in the notice, to notify to the Registrar whether he is a party to any such agreement and, if so ; to furnish to the Registrar such particulars of the agreement as may be specified in the requisition.

(2) The Registrar may give notice to any person by whom particulars are furnished under section 35 in respect of an agreement or to any other person being a party to the agreement requiring him to furnish to the Registrar such further documents or information in his possession or control as the Registrar may consider expedient for the purpose of, or in connection with, the registration of the agreement.

(3) Where a notice under this section is given to a trade association, the notice may be given to the secretary, manager or other similar officer of the association and for the purposes of this section any such association shall be treated as a party to an agreement to which members of the association, or persons represented on the association by those members, are parties as such.

(4) If the particulars called for under sub-section (1) or sub-section (2) are not furnished, the Commission may, on the application of the Registrar,—

(a) order the person or, as the case may be, the association to furnish those particulars to the Registrar within such time as may be specified in the order, or

(b) authorise the Registrar to treat the particulars contained in any document or information in his possession as the particulars relating to the agreement, or

(c) in case the Commission is satisfied that the failure to furnish the particulars is wilful, make an order restraining wholly or partly the parties to the agreement from acting on such agreement and from making any other agreement to the like effect.

43. *Power to call for information.*—Notwithstanding anything contained in any other law for the time being in force, the Central Government may, by a general or special order, call upon any undertaking to furnish to that Government periodically or as and when required any information concerning the activities carried on by the undertaking, the connection between it and any other undertaking, including such other information relating to its organisation, business, cost of production, conduct, trade practice or management, as may be prescribed to enable that Government to carry out the purposes of this Act.

44. *Power to appoint Inspectors.*—(1) The Central Government may, if it is of opinion that there are circumstances suggesting that an undertaking is indulging in any monopolistic or restrictive trade practice or is, in any way, trying to acquire any control over any dominant or inter-connected undertaking, appoint one or more inspectors for making an investigation into the affairs of the undertaking

(2) The provisions of section 240 and section 240-A of the Companies Act, 1956, (1 of 1956) so far as may be, shall apply to an investigation made by an inspector appointed under this section as they apply to an investigation made by the inspector appointed under that Act.

CHAPTER VIII Offences and Penalties

45. *Penalty for contravention of section 21.*—If any person contravenes the provisions of section 21 or any order made thereunder, he shall be punishable with fine which may extend to rupees one lakh.

46. *Penalty for contravention of section 22 or section 23 or section 24 or section 27.*—If any person contravenes the provisions of section 22 or section 23 or section 24 or section 27, he shall be punishable with fine which may extend to rupees one lakh, and where the offence is a continuing one, with a further fine which may extend to one thousand rupees for every day after the first, during which such contravention continues.

47. *Penalty for contravention of section 25.*—If any person contravenes, without any reasonable excuse, the provisions of section 25 he shall be punishable with fine which may extend to two thousand rupees, and where the offence is a continuing one, with a further fine which may extend to two hundred rupees for every day, after the first during which such contravention continues.

48. *Penalty for failure to register agreements.*—(1) If any person fails, without any reasonable excuse, to register an agreement which is subject to registration under this Act, he shall be punishable with fine which may extend to five thousand rupees, and where the offence is a continuing one, with a further fine which may extend to five hundred rupees

for every day, after the first, during which such failure continues.

(2) If any undertaking to which Part A of Chapter III applies, fails, without any reasonable excuse, to make an application under section 26, to register itself as an undertaking to which that Part applies, then,—

(a) the undertaking, where it is a company, or
(b) every partner of the undertaking, where it is a firm, or
(c) where it is not a company or a firm, every person who owns or controls the undertaking,
shall be punishable with fine which may extend to one thousand rupees, and where the offence is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such failure continues.

49. *Penalty for offences in relation to furnishing of information.*—(1) If any person fails, without any reasonable excuse, to furnish any information required under section 43 or to comply with any notice duly given to him under section 42, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and where the offence is a continuing one, with a further fine which may extend to one hundred rupees for every day, after the first, during which such failure continues.

(2) If any person, who furnishes or is required to furnish any particulars, documents or any information—

(a) makes any statement or furnishes any document which he knows or has reason to believe to be false in any material particular ; or

(b) omits to state any material fact knowing it to be material ; or

(c) wilfully alters, suppresses or destroys any document which is required to be furnished as aforesaid,
he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

50. *Penalty for offences in relation to orders under the Act.*—If any person contravenes any order made under section 13 or section 31 or section 37, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and where the offence is a continuing one, with a further fine which may extend to five hundred rupees for every day, after the first, during which such contravention continues.

51. *Penalty for offences in relation to re-sale price maintenance.*—If any person contravenes the provisions of section 39 or section 40, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

52. *Penalty for wrongful disclosure of information*—If any person discloses an information in contravention of section 60, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

53. *Offences by companies*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means a body corporate and includes a firm or other association of individuals ; and

(b) "director" in relation to a firm, means a partner in the firm.

CHAPTER-IX

Miscellaneous

54. *Power of Central Government to impose conditions limitations and restrictions on approvals, etc., given under the Act.*—(1) The Central Government may, while—

(a) according any approval, sanction, permission, confirmation or recognition, or

(b) giving any direction or issuing any order, or

(c) granting any exemption,

under this Act in relation to any matter, impose such conditions, limitations or restrictions as it may think fit.

(2) The Central Government shall have the power to modify any scheme of finance submitted to it under this Act in such manner as it thinks fit.

(3) If any condition, limitation or restriction imposed by the Central Government under sub-section (1) or any term of a scheme of finance, as modified under sub-section (2), is contravened, the Central Government may rescind or withdraw the approval, sanction, permission, confirmation, recognition, direction, order or exemption made or granted by it.

55. *Appeals.*—Any person aggrieved by any order made by the Central Government under Chapter III or Chapter IV, or, as the case may be, or the Commission under section 13 or section 37, may, within sixty days from the date of the order, prefer an appeal to the Supreme Court on one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908.).

56. *Jurisdiction of courts to try offences.*—No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

57. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of Indian Penal Code (45 of 1860.).

58. *Magistrates' power to impose enhanced penalties.*—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, (5 of 1898) it shall be lawful for any Presidency Magistrate or any Magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under section 32 of the said Code.

59. *Protection regarding statements made to the Commission.*—No statement made by a person in the course of giving evidence before the Co-

mission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statements:

Provided that the statement—

(a) is made in respect to a question which he is required by the Commission to answer; and

(b) is relevant to the subject-matter of the inquiry.

60. *Restriction on disclosure of information.*—(1) No information relating to any undertaking, being an information which has been obtained by or on behalf of the Commission for the purposes of this Act, shall, without the previous permission in writing of the owner for the time being of the undertaking be disclosed otherwise than in compliance with or for the purposes of this Act.

(2) Nothing contained in sub-section (1) shall apply to a disclosure of an information made for the purpose of any legal proceeding pursuant to this Act or of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report relating to any such proceeding.

61. *Power of the Central Government to require the Commission to submit a report.*—The Central Government may at any time require the Commission to submit to it a report on the general effect on the public interest of such trade practices as, in the opinion of that Government, either constitute or contribute to monopolistic or restrictive trade practices or concentration of economic power to the common detriment.

62. *Reports of the Commission to be placed before Parliament.*—The Central Government shall cause to be laid before both Houses of Parliament an annual report, and every report which may be submitted to it by the Commission from time to time, pertaining to the execution of the provisions of this Act.

63. *Members, etc., to be public servants.*—Every member of the Commission, the Director and the Registrar, and every member of the staff of the Commission, and of the Director and the Registrar, shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

64. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against the Commission or any member officer or servants of the Commission, the Director, the Registrar or any member of the staff of the Director or the Registrar in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit shall be maintainable in any civil court against the Central Government or any officer or employee of that Government for any damage caused by anything done under, or in pursuance of any provisions of this Act.

65. *Inspection of, and extracts from, the register.*—(1) The register, other than the special section, shall be open to public inspection during such hours and subject to the payment of such fees, not exceeding rupees twenty-five, as may be prescribed.

(2) Any person may upon the payment of such fee, not exceeding rupee one, for every one hundred words, as may be prescribed, require the Registrar to supply to him a copy of, or extract from, any particulars entered or filed in the register, other than the special section, certified by the Registrar to be a true copy or extract.

(3) A copy of, or extract from, any document entered or filed in the

register certified under the hand of the Registrar or any officer authorised to act in this behalf shall, in all legal proceedings, be admissible in evidence as of equal validity with the original.

46. Power to make regulations.—(1) The Commission may make regulations for the efficient performance of its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such regulations may provide for all or any of the following matters namely:—

(a) the conditions of service, as approved by the Central Government, of persons appointed by the Commission;

(b) the issue of the processes to Government and to other persons and the manner in which they made be served;

(c) the manner in which the special section of the register shall be maintained and the particulars to be entered or filed therein;

(d) the duties and functions of the Registrar and the Director;

(e) the payment of costs of any proceedings before the Commission by the parties concerned and the general procedure and conduct of the business of the Commission;

(f) any other matter for which regulations are required to be, or may be, made under this Act.

47. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which notices may be given or applications may be made to it under this Act and the fees payable therefor;

(b) the particulars to be furnished under this Act and the form and manner in which and the intervals within which they may be furnished;

(c) the conditions of service of members of the Commission and the Registrar;

(d) the places and the manner in which the register shall be maintained by the Registrar and the particulars to be entered therein;

(e) the fees payable for inspection of the register and for obtaining certified copies of the particulars from the register;

(f) the travelling and other expenses payable to persons summoned by the Commission to appear before it;

(g) the criterion to be adopted for determining the circumstances in which conditions or matters enumerated in sections 21, 23 and 25 shall be considered to exist;

(h) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The Motor Vehicles (Amendment) Act 1969.

The following Act of Parliament recieved the assent of the President on the 29th December, 1969, and was published in the *Gazette of India*, Ext., Part II-Sec. 1, No. 64, dated December 30, 1969.

Indian Parliament Act No. 56 of 1969.

| 29th December, 1969 |

An Act further to amend the Motor Vehicles Act, 1969.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.*—In section 2 of the Motor Vehicles Act, 1939 (4 of 1939) (hereinafter referred to as the principal Act),—

(a) clause (1) shall be re-numbered as clause (1B), and before clause (1B) as so re-numbered, the following clauses shall be inserted, namely :—

“(1) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette ;

(1A) “articulated vehicle” means a tractor to which a trailer is attached in such a manner that a part of the trailer is super-imposed on, and a part of the weight of the trailer is born by, the tractor ;”

(b) in clause (3), for the words “fixed or agreed rate or sum and from one point to another without stopping to pick up”, the following words, brackets and figures shall be substituted, namely :—

“fixed or agreed rate or sum—

(i) on a time basis whether or not with reference to any route or distance, or

(ii) from one point to another, and in either case without stopping to pick up” ;

(c) in clause (9), for the figures “8,203”, the figures “11,000” shall be substituted ;

(d) in clause (13), for the figures “3,000”, the figures “4,000” shall be substituted ;

(e) for clause (17), the following clause shall be substituted, namely :—

“(17) “motor cycle” means a two-wheeled motor vehicle, the unladen weight of which, inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle, does not exceed 600 kilograms ;”

(f) after clause (28), the following clause shall be inserted, namely :—

“(28A) “route” means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another ;”

(g) after clause (29), the following clause shall be inserted, namely :—

“(29A) “tourist vehicle” means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as the State Government may, by notification in the Official Gazette, specify in this behalf.”

3. *Amendment of section 3*—In section 3 of the principal Act, after sub-section (2), the following sub section shall be inserted, namely :—

“(3) Notwithstanding anything contained in sub-section (1) a person who holds an effective driving licence authorising him to drive a motor car may drive any motor cab hired by him for his own use.”.

4. *Amendment of section 7*—In section 7 of the principal Act, for sub-section (1) the following sub section shall be substituted, namely—

“(1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area—

- (i) in which he ordinarily resides or carries on business, or
- (ii) in which the school or establishment where he is receiving or has received instruction in driving a motor vehicle is situate, or
- (iii) if the application is for a driving licence to drive as a paid employee, in which the employer resides or carries on business, for the issue to him of a driving licence.”.

5. *Amendment of section 11*.—In section 11 of the principal Act,—

(a) in sub-section (1), after the proviso, the following further proviso shall be added, namely:—

“Provided further that where the application is for the renewal of a licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate the same shall be accompanied by a fresh medical certificate in Form C as set forth in the First Schedule, signed by a registered medical practitioner, and the provisions of sub-section (5) of section 7 shall apply to every such case.”;

(b) after sub section (3A), the following sub-section shall be inserted, namely :—

“(3B) When the authority to whom an application for the renewal of a licence to drive as a paid employee or to drive a transport vehicle is made, is not the authority which issued the licence sought to be renewed, it may for the purpose of deciding whether the application for such renewal may be granted verify the antecedents of the applicant in such manner as may be prescribed and pending the verification, such authority may grant a provisional licence for such period or periods not exceeding six months in the aggregate, subject to the condition that every such provisional licence shall cease to be effective immediately on the renewal of the licence sought to be renewed, or, as the case may be, on the refusal to renew the licence, and

(i) where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed,

(ii) where the application for renewal has not been rejected within the said period, the licence shall be renewed.”.

6. *Amendment of section 15*—In section 15 of the principal Act,—

(a) in sub-section (1), for the words “a driving licence”, the words “any driving licence or a licence to drive a particular class or description of vehicle” shall be substituted ;

(b) to sub-section (2), the following proviso shall be added, namely :—

“Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any

specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder."

7. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (1), for the words "a transport vehicle", the words "any transport vehicle or a transport vehicle of a particular class or description" shall be substituted.

8. *Amendment of section 18.*—In section 18 of the principal Act, after the words "cease to be effective", the words "to such extent and" shall be inserted.

9. *Amendment of section 21.*—In section 21 of the principal Act, in sub-section (2) —

(a) for clause (aa), the following clause shall be substituted, namely:—

"(aa) the minimum qualifications of persons to whom licences to drive transport vehicles are issued the time within which such qualifications are to be acquired by persons holding immediately before the commencement of the Motor Vehicles (Amendment) Act, 1969, licences to drive transport vehicles, and the duties, functions and conduct of such persons.";

(b) in clause (dd), for the words "stage carriages or contract carriages", the words "transport vehicles" shall be substituted;

(c) in clause (i), after the words "for the instruction of drivers of motor vehicles", the brackets and words "(including the registration of such schools or establishments)" shall be inserted.

10. *Amendment of section 25* —In section 25 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods so, however, that the total period of such temporary registration may not exceed, in any case, three months".

11. *Amendment of section 27.*—In section 27 of the principal Act, after the words "particulars of any previous registration of the vehicle", the words "or furnishes inaccurate particulars in the application for registration of such vehicle" shall be inserted.

12. *Omission of section 29A.*—Section 29A of the principal Act shall be omitted.

13. *Insertion of new section 31A.* —In the principal Act, after section 31, the following section shall be inserted, namely:—

"13. *Special provisions regarding motor vehicles subject to hire purchase agreement.*—(1) Where an application for registration of a motor vehicle which is held under a hire-purchase agreement is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire purchase agreement with any person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire-purchase agreement in the certificate of registration.

(3) Any entry made under sub-section (1) or sub-section (2), may

be cancelled by the registering authority on proof of the termination of the hire-purchase agreement by the parties concerned

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire-purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgment due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a duplicate thereof to the person aforesaid.

(6) The provisions of sub-sections (1) to (5) shall, so far as may be, apply to a motor vehicle which is subject to hypothecation as they apply to any motor vehicle which is held under a hire-purchase agreement."

14. *Amendment of section 36.*—In section 36 of the principal Act, in sub-section (3), for the words "in excess of that", the words "different from that" shall be substituted.

15. *Amendment of section 38.*—In section 38 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

'Provided that this sub section shall, in respect of a certificate of fitness relating to a new transport vehicle registered for the first time and not plying in hilly areas, have effect as if for the words 'six months', the words "one year" were substituted.

Explanation.—In this sub section, the expression "hilly areas" means such areas as the State Government may, having regard to the elevation and topography, by notification in the Official Gazette, declare to be hilly areas'

16. *Amendment of section 41.*—In section 41 of the principal Act, in sub-section (2),—

(a) in clause (e), for the brackets and figures "3", the brackets and figure "(2)" shall be substituted;

(b) in clause (f), after the words "alteration of certificates of registration," the words 'for making or cancelling an endorsement in respect of an agreement of hire-purchase or hypothecation on a certificate of registration,' shall be inserted.

17. *Amendment of section 42.*—In section 42 of the principal Act,—

(a) in sub-section (1), after the words "any public place," the brackets and words "(whether or not such vehicle is actually carrying any passenger or goods)" shall be inserted

(b) in sub-section (3),—

(i) clause (ee) shall be omitted;

(ii) after clause (f) the following clause shall be inserted, namely:—

"(ff) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment of chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf ;"

(iii) in clause (i), the words 'except as may otherwise be prescribed,' shall be omitted ;

(iv) after clause (i), the following clauses shall be inserted, namely :—

"(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in any other State, without carrying any passenger or goods ;

(k) to any transport vehicle which has been temporarily registered under section 25, while proceeding empty to any place for the purpose of registration of the vehicle under section 24 ;

(l) to any transport vehicle used for such purposes (other than plying for hire or reward) as the Central Government may, by notification in the Official Gazette specify ;

(m) to any transport vehicle which, owing to flood earthquake or any other natural calamity, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination ; or

(n) to any transport vehicle while proceeding empty to any place for purpose of repair."

18. *Amendment of section 43.*—In section 43 of the principal Act, in sub section (1),—

(a) in sub clause (i), after the words "the fixing of fares and freights", the brackets and words "(including the maximum and minimum in respect thereof)" shall be inserted ;

(b) in sub-clause (iii), after the words "existing permits", the words, brackets and figures "are not renewed in pursuance of the provisions of sub-section (1D) of section 68F, or" shall be inserted

19. *Amendment of section 44.*—In section 44 of the principal Act, in sub section (2) —

(a) for the words "and such other officials and non-officials, not being less than two," the words "and, in the case of a State Transport Authority, such other officials and non-officials, not being less than two, and, in the case of a regional Transport Authority, such other persons (whether officials or not), not being less than two," shall be substituted ;

(b) for the words "Provided that", the following shall be substituted, namely :—

' Provided that nothing in this sub-section shall prevent any of the members of the State Transport Authority or the Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience :

Provided further that the State Government may—

(i) where it considers necessary or expedient so to do, constitute Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience ;

(iii) by rules made in this behalf, provide for the transaction of business in the absence of the Chairman or any other member and specify the nature of business which, the circumstances under which, and the manner in which, business could be so transacted :

Provided also that"

22. *Amendment of section 45.*—Section 45 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely :—

“(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.

(3) Every applicant for the grant of a new permit under section 46 or section 54 shall deposit, by way of security, with his application an amount in such manner and at such rate not exceeding rupees two hundred per motor vehicle, as the State Government may, with reference to each class of vehicle, by notification in the Official Gazette, specify.

(4) The security furnished under sub-section (3) may be forfeited in whole or in part by the transport authority if it is satisfied that the application was made for the purpose of preventing the issue of a temporary permit under section 62 and the whole or part of it as has not been forfeited shall be refunded to the applicant, as soon as may be, after the disposal of the application :

Provided that no such forfeiture shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard.”.

21. *Amendment of section 46.*—In section 46 of the principal Act, in clause (c)—

(a) for the word “services”, wherever it occurs, the word “trips” shall be substituted ;

(b) the following Explanation shall be added at the end, namely :—

“*Explanation.*—For the purposes of this section, section 48 and section 57 “trip” means a single journey from one point to another, and every return journey shall be deemed to be a separate trip ;”.

22. *Amendment of section 48.*—In section 48 of the principal Act,—

(a) sub-section (2), shall be omitted ;

(b) in sub-section (3),—

(i) for clause (i), the following clauses shall be substituted, namely :—

“(i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes ;

(ia) that the service or any specified part thereof shall be commenced with effect from a specified date ;”;

(ii) in clause (ii), for the words “services to be maintained”, the words “trips to be provided” shall be substituted ;

(iii) to clause (xi), the following proviso shall be added, namely :—

“Provided that the conditions specified in pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometres, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the public convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof ;”

23. *Amendment of section 51.*—In section 51 of the principal Act, in sub-section (2), after clause (ii), the following clause shall be inserted, namely—

“(iia) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons and the same is prominently marked on the vehicle ;”.

24. *Amendment of section 57.*—In section 57 of the principal Act, in sub-section (8), for the words "number of services above the specified maximum", the words "number of trips above the specified maximum or by altering the route covered by it" shall be substituted.

25. *Amendment of section 58.*—In section 58 of the principal Act,—

(a) in sub section (2),—

(i) in clause (a) of the proviso, for the words "sixty days", the words "one hundred and twenty days" shall be substituted;

(ii) in clause (b) of the proviso, for the words "thirty days", the words "sixty days" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 62, and where a temporary permit has been granted, the fee paid in respect of such temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded."

26. *Amendment of section 59.*—In section 59 of the principal Act,—

(a) in sub section (2), for the words "replace by another vehicle of the same nature and capacity any vehicle covered by the permit", the words "replace any vehicle covered by the permit by any other vehicle of the same nature" shall be substituted;

(b) in sub-section (3),—

(i) in clause (c), for the words "permit relates", the words and figures "permit relates carry valid certificates of fitness issued under section 38 and" shall be substituted;

(ii) in clause (c), the words "maximum or minimum" shall be omitted;

(iii) in clause (d), for the word and figures "section 72", the words and figures "section 5 or section 72" shall be substituted.

27. *Amendment of section 60.*—In section 60 of the principal Act,—

(a) after sub section (1A), the following sub-section shall be inserted namely:—

"(1B) The transport authority may exercise the powers conferred on it under sub-sections (1) and (1A) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub section (5) of section 44 as if the said permit was a permit granted by the transport authority."

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The powers exercisable under sub-section (1) or sub-section (1A) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of section 44:

Provided that—

(i) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month; and

(ii) any such order shall be placed within the said period of one month before the transport authority who may vacate the order or extend the said period of one month where it has not expired or cancel the

permit or take action under sub-section (3), as it may deem fit.”;

(c) after sub section (3), the following sub-section shall be inserted, namely:—

“(4) The powers exercisable by the transport authority under sub-section (3) may, where an appeal has been preferred under section 64, be exercised also by the appellate authority.”.

28 *Amendment of section 62.*—Section 62 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where—

(i) no permit could be issued under section 48 or section 51 or section 54 in respect of that route or area by reason of an order of a court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained; or

(ii) as a result of the suspension by a court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:

Provided that the number of transport vehicles in respect of which the temporary permit is so granted shall not exceed the number of vehicles in respect of which the issue of a permit has been restrained or as the case may be, the permit has been suspended”.

29. *Amendment of section 63.*—In section 63 of the principal Act,—

(a) to sub-section (1), the following further proviso shall be added, namely:—

Provided further that where both the starting point and the terminal point of a route are situate within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit.”;

(c) in the proviso to sub-section (3), after the words “arrived at between the States”, the following shall be inserted, namely:—

“after complying with the requirements of sub-section (3A), or for the grant of counter-signatures of permits in pursuance of any direction issued by the Commission under clause (c) of sub-section (2) of section 63”;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Every proposal to enter into an agreement between the State referred to in the proviso to sub-section (3) and every proposal in

such agreement to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted and the date, not being less than thirty days from the date of such publication, on which, and the authority by which, and the time and place at which, the proposal and any representations received in connection therewith will be considered :

Provided that no person, association or authority, other than those mentioned hereunder, shall have a right to make such representation, namely :—

(i) any person already providing passenger or goods transport facilities by any means in the proposed area or along or near the proposed route ;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government ;

(iii) any local authority or police authority within whose jurisdiction any part of the proposed areas or route lies.

(8B) Every agreement arrived at between the States shall, in so far as it relates to the grant of counter-signature of permits, be published in the Official Gazette by each of the State concerned and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.”;

(e) after sub-section (6), the following sub-sections shall be inserted namely :—

“(7) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made under this Act, any State Transport Authority may, for the purpose of promoting tourism, grant in respect of tourist vehicles such number of permits valid for the whole or any part of India as the Central Government may, in respect of that State, specify in this behalf, and the provisions of sections 49, 50, 51, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply in relation to each permits.

(8) Every applicant for a permit under sub-section (7) shall deposit, by way of security, in such manner and such amount, not exceeding rupees two thousand per motor vehicle, as the Central Government may with reference to each class of vehicle, by notification in the Official Gazette, specify, and such security shall be refunded wholly or in part to the applicant if his application for permit has not been granted, or, as the case may be, granted for a lesser number of vehicles than what was applied for.

(9) Any amount deposited by way of security under sub-section (8) may, at any time, be forfeited in whole or in part by the State Transport Authority if it is satisfied after making such inquiry as it thinks fit that—

(a) the permit was obtained by fraud or misrepresentation, or

(b) the holder of the permit has failed without reasonable cause to use the vehicle or vehicles for the purpose for which the permit was granted, or

(c) the holder of the permit has committed a breach of any condition of the permit, or

(d) the holder of the permit has used or caused it to be used in any manner not authorised by the permit :

Provided that no such forfeiture shall be made unless the State Transport Authority has given the permit holder a reasonable opportunity of being heard.

(10) The following shall be conditions of every permit granted under sub-section (7), namely :—

(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf ;

(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government ; and

(iii) such other conditions as may be prescribed by the Central Government."

30. *Amendment of section 63A.*—In section 63A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) If any direction issued by the State Government under section 43 is repugnant to any direction made by the Commission under clause (c) of sub-section (2), then the direction of the Commission, whether issued before or after the direction issued by the State Government, shall prevail and the direction made by the State Government shall, to the extent of the repugnancy, be of no effect."

31. *Insertion of new section 63BB.*—After section 63 B of the principal Act, the following section shall be inserted, namely :—

' 63BB. *Appeal against decision, direction or order under section 63A.*—(1) Any person or authority (including Government) aggrieved by the decision, direction or order of the Commission under clause (b) or clause (c) or clause (d) or clause (e) of sub-section (2) of section 63A may, within sixty days from the date of the communication to him or it, of such decision, direction or order, as the case may be, appeal to the authority specified by the Central Government under clause (h) of section 63C, which shall decide the appeal after giving the person or the authority an opportunity of being heard and pass such order thereon as it may deem fit and such order shall be final :

Provided that the authority aforesaid may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be preferred in such manner and accompanied by such fee as may be prescribed by the Central Government."

32. *Amendment of section 63C.*—In section 63C of the principal Act, for clause (h) the following clause shall be substituted, namely :—

"(h) the authority to which the manner in which and the fees on payment of which, an appeal against any decision, direction or order of the Commission may be preferred."

33. *Amendment of section 64.*—Section 64 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered,—

(i) after clause (h), the following clause shall be inserted, namely :—

“(hh) aggrieved by an order of forfeiture passed under sub-section (4) of section 45 or under sub-section (9) of section 63, or”;

(ii) for the words “the prescribed authority who shall give such person and the original authority an opportunity of being heard”, the words, brackets and figure “the State Transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final” shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-sections and Explanation shall be inserted, namely:—

“(2) The State Government shall constitute for the State a State Transport Appellate Tribunal which shall consist of a whole-time judicial officer not below the rank of a District Judge:

Provided that in relation to a Union territory the Tribunal may consist of the Administrator of that territory or any officer who has judicial experience.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), every appeal pending at the commencement of the Motor Vehicles (Amendment) Act, 1969, shall be proceeded with and disposed of as if that Act had not been passed.

Explanation.—For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a direction issued by the Commission under clause (c) of sub-section (2) of section 63A and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub-section (1) to the State Transport Appellate Tribunal against such order but not against the direction so issued”.

34. Amendment of section 64A.—In section 64A of the principal Act,—

(a) for the words “State Transport Authority”, wherever they occur, the words “State Transport Appellate Tribunal” shall be substituted;

(b) for the words “Regional Transport Authority”, wherever they occur, the words “State Transport Authority or Regional Transport Authority” shall be substituted;

(c) after the words “as it deems fit”, the words and every such order shall be inserted.

35. Amendment of section 65.—In section 65 of the principal Act, in sub-section (1),

(a) in clause (b), for the words “nine hours”, the words “eight hours” shall be substituted;

(b) in clause (c), for the words “fifty-four hours”, the words “forty eight hours” shall be substituted.

36. Insertion of new section 66A.—After section 66 of the principal Act, the following section shall be inserted, namely:—

“66A. *Agent or canvasser to obtain licence.*—(1) No person shall engage himself—

(i) as an agent or canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting custom for such vehicles, or

(ii) as an agent in the business of collecting, forwarding or distributing goods carried by public carriers, unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government

(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely:—

- (a) the period for which a licence may be granted or renewed;
- (b) the fee payable for the issue or renewal of the licence;
- (c) the deposit of security—

(i) of a sum not exceeding rupees five thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by public carriers.

(ii) of a sum not exceeding rupees five hundred in the case of any other agent or canvasser, and the circumstances under which the security may be forfeited;

(d) the provision by the agent of insurance of goods in transit;

(e) the authority by which and the circumstances under which the licence may be suspended or revoked;

(f) such other conditions as may be prescribed by the State Government.”

37. *Amendment of section 68.*—In section 68 of the principal Act, in sub-section (2),—

(a) after clause (a), the following clause shall be inserted namely:—

“(aa) the conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;”;

(b) after clause (c), the following clause shall be inserted, namely:—

“(c) the manner in which and the time within which every application for a stage carriage permit or a public carrier's permit shall be published, as required by sub-section (3) of section 57, and the circumstances under which and the fees on payment of which copies of such applications may be granted;”;

(c) in clause (ww), for the words “forwarding and distributing of”, the words “or forwarding and distributing” shall be substituted.

38. *Amendment of section 68A.*—In section 68A of the principal Act, in clause (b),—

(a) sub-clause (iii) shall be omitted;

(b) in sub-clause (iv), for the words “the State Government” the words “the Central Government or one or more State Governments, or by the Central Government and one or more State Governments” shall be substituted.

39. *Amendment of section 68D.*—In section 68D of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) On the publication of any scheme in the Official Gazette and in not less than one newspaper in regional language circulating in the area or route which is proposed to be covered by such scheme,—

(i) any person already providing transport facilities by any means along or near the area route proposed to be covered by the scheme;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government ; and

(iii) any local authority or police authority within whose jurisdiction any part of the area or route proposed to be covered by the scheme lies, may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government."

40. *Amendment of section 68E* — Section 68E of the principal Act, shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, for the words "proposed to be modified as if the modification proposed were a separate scheme", the following shall be substituted, namely :—

"proposed to be cancelled or modified as if the proposal were a separate scheme :—

Provided that the State Transport Undertaking, may, with the previous approval of the State Government, modify without following the procedure laid down in section 68C and section 68D, any such scheme relating to any route or area in respect of which the road transport services are run and operated by the State Transport Undertaking to the complete exclusion of other persons in respect of the following matters, namely :—

(a) increase in the number of vehicles or the number of trips ;

(b) change in the type of vehicles without reducing the seating capacity ;

(c) extension of the route or area, without reducing the frequency of the service ; or

(d) alteration of the time table without reducing the frequency of the service":

(ii) after sub section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, if it considers necessary in public interest so to do, modify any scheme published under sub-section (3) of section 68D, after giving,—

(i) the State Transport Undertaking, and

(ii) any other person who, in the pinion of the State Government, is likely to be affected by the proposed modification, an opportunity of being heard in respect of the proposed modification."

41. *Amendment of section 68 F.*—In section 68F of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures "in the manner specified in Chapter IV", the words "in such manner as may be prescribed by the State Government in this behalf" shall be substituted;

(ii) for the words "Regional Transport Authority", the words "State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case" shall be substituted.

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) Where any scheme has been published by a State Transport Undertaking under section 68C that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of

publication of the scheme and the date of publication of the approved or modified scheme and where such application is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall, if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route or portion thereof, issue the temporary permit prayed for by the State Transport Undertaking.

(IB) A temporary permit issued in pursuance of the provisions of sub-section (1A) shall be effective,—

(i) if the scheme is published under sub-section (3) of section 68D, until the grant of the permit to the State Transport Undertaking under sub-section (1), or

(ii) if the scheme is not published under sub-section (3) of section 68D, until the expiration of the one week from the date on which the order under sub-section (2) of section 68D is made:

(IC) If no application for a temporary permit is made Sub-section (1A), the State Transport Authority or the Regional Transport Authority, as the case may be, may grant, subject to such conditions as it may think fit, temporary permit to any person in respect of the area or route or portion thereof specified in the scheme and the permit so granted shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route or portion thereof.

(1D) Save as otherwise provided in sub-section (1A) or sub-section (IC), no permit shall be granted or renewed during the period intervening between the date of publication under section 68C of any scheme and the date of publication of the approved or modified scheme, in favour of any person for any class of road transport service in relation to an area or route or portion thereof covered by such scheme:

Provided that where the period of operation of a permit in relation to any area, route or portion thereof specified in a scheme published under section 68C expires after such publication, such permit may be renewed for a limited period, but the permit so renewed shall cease to be effective on the publication of the scheme under sub-section (3) of section 68D.”;

(c) in sub-section (2),—

(i) for the words “the Regional Transport Authority,” the words “the State Transport Authority or as the case may be, the Regional Transport Authority concerned” shall be substituted;

(ii) in clause (a), for the words “the renewal of any other permit”, the words “the grant or renewal of any other permit or reject any such application as may be pending” shall be substituted;

(d) in sub-section (3), for the words “the Regional Transport Authority”, the words “the State Transport Authority or any Regional Transport Authority” shall be substituted.

41. *Insertion of new section 68 FF.*—After section 68F of the principal Act, the following section shall be inserted, namely:—

“68FF. *Restriction on grant of permits in respect of a notified area or notified route.*—Where a scheme has been published under sub-section (3) of section 68D in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority as the case may be, shall not grant any permit except in accordance with the provisions of the scheme:

Provided that where no application for a permit has been made by the State Transport Undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport, Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route."

43. *Amendment of section 68G.*—In section 68G of the principal Act, in sub-section (2), for the words "the Regional Transport Authority", the words "the State Transport Authority or the Regional Transport Authority, as the case may be," shall be substituted.

44. *Insertion of new section 68HH.*—After section 68H of the principal Act, the following section shall be inserted, namely:—

"68HH. *Disposal of articles found in vehicles.*—Where any article found in any transport vehicle operated by the State Transport Undertaking is not claimed by its owner within the prescribed period, the State Transport Undertaking may sell the article in the prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand."

45. *Amendment of section 68I.*—In section 68I of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

"(cc) the manner in which application under sub-section (1) of section 68F may be made;

(ccc) the period within which the owner may claim an article found left in any transport vehicle under section 63HH and the manner of sale of such article;"

46. *Insertion of new section 68J.*—In Chapter IVA of the principal Act, after section 68I, the following section shall be inserted, namely:—

"68J. *Certain powers of State Government exciseable by the Central Government.*—The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be exerciseable only by the Central Government in relation to an inter-State route or area."

47. *Insertion of new section 69A.*—After section 69A of the principal Act, the following section shall be inserted, namely:—

"69A. *Vehicles to have right hand control.*—Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature."

48. *Amendment of section 79.*—Section 79 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, after the words "driver of a motor vehicle", the words "with a right hand steering control" shall be inserted; and

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In the case of a motor vehicle with a left hand steering control, the signal of an intention to turn to the right or left or to stop shall be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle:

Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified

therein, any such motor vehicle or class of such motor vehicles from the operation of this sub-section for the purpose of plying in that area or route."

49. *Amendment of section 80.*—To section 80 of the principal Act, the following proviso shall be added, namely:—

"Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this section for the purpose of plying in that area or route."

50. *Amendment of section 89.*—In section 89 of the principal Act, after the words "When any person is injured", the words "or any property of a third party is damaged," shall be inserted.

51. *Amendment of section 92.*—In section 92 of the principal Act, in sub-section (1A), the words 'contiguous to it' shall be omitted.

52. *Amendment of section 93.*—In section 93 of the principal Act,—

(i) after clause (b), the following clause shall be inserted, namely:—

"(bb) 'property' includes roads, bridges, culverts, causeways, trees, posts and mile-stones;"

(ii) after clause (c), the following clause shall be inserted, namely:—

"(d) 'third party' includes the Government."

53. *Amendment of section 94.*—In section 94 of the principal Act, in sub-section (3), for the Explanation, the following Explanation shall be substituted, namely:—

"*Explanation*—For the purposes of this sub-section, appropriate Government means the Central Government or the State Government, as the case may be, and—

(i) in relation to any corporation or company owned by the Central Government or any State Government means the Central Government or that State Government.

(ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government;

(iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that Undertaking or authority."

54. *Amendment of section 95.*—In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) insures the person or classes of persons specified in the policy to the extent specified in sub-section (2)—

(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

(ii) against the death of or bodily injury to any passenger of a public service vehicle caused by or arising out of the use of the vehicle in a public place;"

(ii) the following Explanation shall be added at the end, namely:—

"*Explanation.*—For the removal of doubts, it is hereby declared that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place."

(b) in sub-section (2).—

(i) in clause (a), for the word "twenty", the word "fifty" shall be substituted ;

(ii) for clauses (b) and (c), the following clauses shall be substituted, namely :—

"(b) where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment,—

(i) in respect of persons other than passengers carried for hire or reward, a limit of fifty thousand rupees in all ;

(ii) in respect of passengers,—

(1) a limit of fifty thousand rupees in all where the vehicle is registered to carry not more than thirty passengers ;

(2) a limit of seventy-five thousand rupees in all where the vehicle is registered to carry more than thirty but not more than sixty passengers ;

(3) a limit of one lakh rupees in all where the vehicle is registered to carry more than sixty passengers ; and

(4) subject to the limits aforesaid, ten thousand rupees for each individual passenger where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case ;

(c) save as provided in clause (d), where the vehicle is a vehicle of any other class, the amount of liability incurred ;

(d) irrespective of the class of the vehicle, a limit of rupees two thousand in all in respect of damage to any property of a third party."

55. *Insertion of new section 95AA.*—After section 95A of the principal Act, the following section shall be inserted, namely :—

"95AA. *Security to be deposited by insurers*—(1) In addition to the deposits required to be made under section 7 of the Insurance Act, 1938, (4 of 1938) every insurer who is competent to issue a policy of insurance in accordance with this Chapter, shall deposit and keep deposited with the Reserve Bank of India or the State Bank of India, a sum of rupees thirty thousand as security for the due discharge of any liability covered by a policy of insurance issued in accordance with the provisions of this Chapter.

(2) Any sum deposited under sub-section (1) shall be deemed to be part of the assets of the insurer but shall not be susceptible of any assignment or charge nor shall it be liable to any attachment in execution of any decree except for meeting the claims arising in respect of a policy of insurance issued after complying with the requirements of this Chapter.

(3) When, on an application made to it in this behalf, any Court or Claims Tribunal, which has made an award for compensation under this Act, is satisfied—

(i) that the applicant has exhausted all other remedies open to him to recover his dues from the insurer, or

(ii) that the award has been made after the insurer has gone into liquidation,
it may direct the payment of such compensation from out of the sum deposited under sub-section (1);

Provided that in the case of the insolvency of the insurer—

(a) such payment shall not be made until all claims under this Act against the insurer have been settled; and

(b) payment so made shall be proportionate to the amount of compensation allowed in each case."

56. *Insertion of new section 103A.*—After section 103 of the principal Act, the following section shall be inserted, namely :—

"103A. *Transfer of certificate of insurance*—(1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter proposes to transfer to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, he may apply in the prescribed form to the insurer for the transfer of the certificate of insurance and the policy described in the certificate in favour of the person to whom the motor vehicle is proposed to be transferred, and if within fifteen days of the receipt of such application by the insurer, the insurer has not intimated the insured and such other person his refusal to transfer the certificate and the policy to the other person, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

(2) The insurer to whom any application has been made under sub-section (1) may refuse to transfer to the other person the certificate of insurance and the policy described in that certificate if he considers it necessary so to do, having regard to—

(a) the previous conduct of the other person,—

(i) as a driver of motor vehicles ; or

(ii) as a holder of the policy of insurance in respect of any motor vehicle ; or

(b) any conditions which may have been imposed in relation to any such policy held by the applicant ; or

(c) the rejection of any proposal made by such other person for the issue of a policy of insurance in respect of any motor vehicle owned or possessed by him.

(3) Where the insurer has refused to transfer in favour of the person to whom the motor vehicle has been transferred, the certificate of insurance and the policy described in the certificate he shall refund to such transferee the amount if any which, under the terms of the policy, he would have had to refund to the insured for the unexpired terms of such policy."

57. *Amendment of section 110.*—In section 110 of the principal Act, in sub-section (1), for the words "motor vehicles", the following words shall be substituted, namely :—

"motor vehicles, or damages to any property of a third party so arising, or both :

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees two thousand, the claimant may, at his option, refer the claim to a civil court for adjudication, and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim."

58. *Amendment of section 110A.*—In section 110A of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words "by the legal representatives" the words "by all or any of the legal representatives", shall be substituted ;

(ii) in clause (c), for the words "or the legal representatives", the words "or all or any of the legal representatives" shall be substituted ;

(iii) the following proviso shall be inserted at the end, namely :—

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.”;

(b) in sub-section (3), for the words “sixty days”, wherever they occur, the words “six months” shall be substituted.

59. *Insertion of new section 110AA.*—After section 110A of the principal Act, the following section shall be inserted, namely :—

“110AA. *Option regarding claims for compensation in certain cases.*—Notwithstanding anything contained in the Workmen’s Compensation Act, 1923, (3 of 1923) where the death of or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen’s Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.”.

60. *Amendment of section 110B.*—In section 110B of the principal Act, after the words “the insurer”, the words “or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be.” shall be inserted.

61. *Amendment of section 110C.*—In section 110C of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) Where in the course of any inquiry, the Claims Tribunal is satisfied that—

(i) there is collusion between the person making the claim and the person against whom the claim is made, or

(ii) the person against whom the claim is made has failed to contest the claim,

it may, for reasons to be recorded by it in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.”.

62. *Insertion of new sections 110CC and 110CCC.*—After section 110C of the principal Act, the following sections shall be inserted, namely :—

“110CC. *Award of interest where any claim allowed.*—Where any Court or Claims Tribunal allows a claim for compensation made under this Chapter, such Court or Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

110CCC. *Award of compensatory costs in certain cases.*—(1) Any Court or Claims Tribunal adjudicating upon any claim for compensation under this Act, may in any case where it is satisfied for reasons to be recorded by it in writing that—

(i) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(ii) any party or insurer has put forward a false or vexatious claim or defence,

such Court or Tribunal may make an order for the payment, by the

party who is guilty of mis-representation or by whom such claim or defence has been put forward, of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward,

(2) No Court or Claims Tribunal shall pass an order for special costs under sub-section (1) for any amount exceeding rupees one thousand.

(3) No person or insurer against whom an order has been made under this section shall by reason thereof be exempted from any criminal liability in respect of such mis-representation, claim or defence as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any mis-representation, claim or defence shall be taken into account in any subsequent suit for damages for compensation in respect of such mis representation, claim or defence."

63. *Amendment of section 110 E*—In section 110 E of the principal Act, for the words, an insurer" the words "any person" shall be substituted.

64. *Amendment of section 111 A*.—In section 111 A of the principal Act, in clause (d), after the words "the manner in which the words and brackets "and the fees (if any) on payment of which" shall be inserted.

65. *Insertion of new section 113 A*—After section 113 of the principal Act, the following section shall be inserted, namely :—

"113 A. *Allowing unauthorised persons to drive vehicles*.—Whoever, being the owner or person in charge of a motor vehicle, causes, or permits, any person who does not satisfy the provisions of section 3 of section 4, to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

66. *Amendment of section 115*—In section 115 of the principal Act.

(i) in sub-section (1), for the words "one hundred rupees", the following words shall be substituted, namely :—

"two hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees";

(ii) in sub-section (2), for the words "two hundred rupees" the following words shall be substituted, namely :—

"three hundred rupees, or if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub section, with fine which may extend to five hundred rupees"

67. *Amendment of section 123*.—In section 123 of the principal Act, in sub-section (1).—

(i) after the words " for which the vehicle may be used", the words "or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle" shall be inserted;

(ii) for the words " a subsequent offence if committed within three years of the commission of a previous similar offence" the words "any second or subsequent offence" shall be substituted;

(iii) in the proviso, after the words "any such", the words "second or" shall be inserted.

68. *Insertion of new section 123 A*.—After section 123 of the principal Act, the following section shall be inserted, namely:—

"123. *Punishment of agents and canvasser without proper authority*.—

Whoever engages himself as an agent or canvasser in contravention of the provisions of section 6A or any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both :

Provided that no court shall, except for reasons to be recorded by it in writing, impose a fine of less than five hundred rupees for any such second or subsequent offence."

69. *Amendment of section 124.*—In section 124 of the principal Act, for the words and figures "section 72 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 74 shall be punishable", the words and figures "section 72 or of the conditions prescribed under that section, or in contravention of any prohibition or restriction imposed under section 72 or section 74 shall be punishable" shall be substituted.

70. *Amendment of section 129A.*—To section 129A of the principal Act, the following proviso shall be added, namely:—

"Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used without the permit required by sub-section (1) of section 42, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof."

71. *Amendment of section 130.*—In section 130 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

(1) The court taking cognizance of an offence under this Act,—

(i) may, if the offence is an offence punishable with imprisonment under this Act, and

(ii) shall, in any other case,

state upon the summons to be served on the accused person that he—

(a) may appear by pleader and not in person, or

(b) may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify:

Provided that nothing in this sub-section shall apply to any offence specified in Part A of the Fifth Schedule."

72. *Insertion of new section 131A.*—After section 131 of the principal Act, the following section shall be inserted, namely:—

"131A. *Courts to send intimations about conviction*—Every court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to—

(a) the licensing authority which issued the driving licence, and

(b) the licensing authority by whom the licence was last renewed. and every such intimation shall state the name and address of the holder of the licence the licence number, the date of issue and renewal of the same, the nature of the punishment awarded for the same and such other particulars as may be prescribed."

73. *Insertion of new section 132A.*—In Chapter X of the principal Act, before section 133, the following section shall be inserted, namely:—

"132A. *Power of levy fee.*—Any rule which the Central Government or the State Government is empowered to make under this Act, may notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, counter-signatures authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary:

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full."

74 *Amendment of section 133A.*—In section 133A of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such officer as may be empowered by the State Government in this behalf shall also have the power to,—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;

(b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept—

Provided that—

(i) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;

(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(iii) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person he may consider necessary for carrying out the purposes of this Act;

(d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;

(e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any court;

(f) exercise such other powers as may be prescribed;

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(5) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898) shall, so far as may be, apply to any search or seizure

under this section as they apply to any search or seizure under the authority of any warrant issued under section 98 of that Code.”

75. *Amendment of section 134*.—In section 134 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of.”

76. *Insertion of new section 135*.—After section 134 of the principal Act, the following section shall be inserted, namely:—

“135. *Repeal and savings*.—(1) The enactments specified in the Twelfth Schedule are hereby repealed to the extent mentioned therein.

(2) Notwithstanding the repeal of any enactment by this section,—

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or any licence, permission or exemption granted, or any confiscation made, or any penalty or fine imposed, or any forfeiture, cancellation or discharge of any bond ordered, or any other thing done, or any other action taken under the repealed enactment, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act;

(b) any document referring to any enactment hereby repealed, or to any provision thereof, shall be construed as referring to this Act or to the corresponding provision of this Act.

(3) Any penalty payable under any repealed enactment may be recovered in the manner provided by or under this Act but without prejudice to any action already taken for the recovery of such penalty under the repealed enactment.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.”

77. *Amendment of First Schedule*.—In the First Schedule to the principal Act.—

(a) in Form A, in Part III,—

(i) in paragraph (b), after the words “with each eye”, the following brackets and words shall be inserted, namely:—

“(or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye)”;

(ii) in paragraph (f), after the words “unable to hear”, the brackets and words “(and if the application is for driving a light motor vehicle, with or without hearing aid)” shall be inserted;

(b) in Form AA, for the words “I hereby”, the following words “I, Shri/Shrimati/Kumari....., hereby” shall be substituted;

(c) in Form B,—

(i) below the heading “Form of application for the renewal of driving licence”, the figures “I” shall be inserted;

(ii) for the words "I hereby apply", the words "I, Shri/Shrimati/Kumari....., hereby apply" shall be substituted;

(iii) for the words beginning with "I hereby declare" and ending with "danger to the public", the following figures, words, brackets and letters shall be substituted, namely:—

II

Declaration as to physical fitness of the applicant.

(The applicant is required to answer "yes" or "no" in the space provided opposite each question.)

(a) Do you suffer from epilepsy, or from sudden attacks of disability, giddiness or fainting?

(b) Are you able to distinguish with each eye (or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye), at a distance of 25 meters in good day light (with glasses, if worn), a motor car number plate containing seven letters and figures?

(c) Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg?

(d) Can you readily distinguish pigmentary colours red and green?

(e) Do you suffer from night blindness?

(f) Are you so deaf as to be unable to hear (and if you are an applicant for the renewal of a driving licence in respect of light motor vehicle with or without hearing-aid) the ordinary sound signals?

(g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public?

I declare that to the best of my knowledge and belief, the particulars given in Section I and the declaration made in section II thereof are true.

Note 1.—An applicant who answers "yes" to any of the questions (a), (c), (e), (f) and (g) or "no" to either of the questions (b) and (d) should amplify his answer with full particulars and may be required to give further information relating thereto.

Note 2.—An applicant who answers "yes" to questions (b), (c) and (d) in the declaration and "no" to the other questions may claim to be subject to a test as to his competency to drive vehicles of a specified class or classes.

Note 3.—An application for renewal of a driving licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, shall be accompanied by a medical certificate in Form C.;

(d) in Form C, in sub-paragraph (d) of paragraph 4, after the word "hearing", the brackets and words "(and in the case of an applicant for a licence to drive a light motor vehicle, with or without hearing-aid)" shall be inserted;

(e) in Form D,—

(i) for the expression "son/daughter of (father's name)", the expression "wife/son/daughter of" shall be substituted;

(ii) for the words "He is", the expression "He/She is" shall be substituted;

(f) in Form E,—

- (i) in item 1, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted ;
- (ii) after item 7, the following item shall be inserted, namely :—
"7A. Cubic capacity";
- (iii) after item 10, the following item shall be inserted, namely :—
"10A Fuel used in the engine";
- (iv) for item 15, the following item shall be substituted, namely :—
"15. Maximum laden weight—
(a) as certified by the manufacturer Kgms.
(b) to be registered..... Kgms." ;
- (v) the Explanation shall be omitted ;
- (vi) for the Note, the following Note shall be substituted, namely :—
"Note.—The motor vehicle above described is—
(i) subject to a hire-purchase agreement with.....;
(ii) subject to a hypothecation in favour of.....;
(iii) not held under hire-purchase agreement or subject to any mortgage.

(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be.)";

- (vii) for the words "Signature of the Hire Purchase Company.", the following expression shall be substituted :—

Hire-purchase Company." ;

"Signature of—
Mortgagee.

- (g) in Form G,—

- (i) in line 8, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted ;
- (ii) after item 7, the following item shall be inserted, namely :—
"7A. Fuel used in the engine....." ;
- (iii) after item 8, the following item shall be inserted, namely :—
"8A. Cubic capacity.....";
- (iv) for item 12, the following item shall be substituted, namely :—
"12. Maximum laden weight—
(a) as certified by the manufacturer.....Kgms." ;
(b) as registered.....Kgms." ;
- (v) for the Note, the following Note shall be substituted, namely :—
"Note.—The motor vehicle above described is—
(i) subject to a hire-purchase agreement with..... ;
(ii) Subject to a hypothecation in favour of.....";

78. *Amendment of Second Schedule.*—In the Second Schedule to the principal Act,—

- (i) in paragraph 4, after the words "with each eye", the following brackets and words shall be inserted, namely :—

"(or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, with one eye)";

- (ii) in paragraph 5, after the word "hearing", the words "or in the case of a person who has applied for a licence to drive a light motor vehicle, with or without hearing aid" shall be inserted.

79. *Substitution of Third Schedule.*—For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely :—

“THE THIRD SCHEDULE
[See sections 7(6) and 17(6)]
Test of Competence to Drive
Part I

The candidate shall satisfy the person conducting the test that he is able to—

- (1) start the engine of the vehicle ;
- (2) move away straight ahead and at an angle, while at the same time engaging the first and intermediate gears until the top gear is reached ;
- (3) change down to the lower gear quickly from the top gear when the traffic conditions warrant such change ;
- (4) overtake, allow to be overtaken, meet or cover the path of other vehicles and take an appropriate course with proper caution giving appropriate signals ;
- (5) turn right and left corners correctly ;
- (6) stop the vehicle in an emergency and normally and in the latter case bring it to rest at an appropriate Course of the road ;
- (7) drive the vehicle backwards and whilst so doing enter a limited opening to the right and left ;
- (8) cause the vehicle to face in the opposite direction by means of forward and reverse gears ;
- (9) give by hand and by mechanical means (if fitted to the vehicle), or, in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions ;
- (10) act correctly and promptly on all signals given by traffic signs, automatic traffic lights, traffic police or other authorised persons and take appropriate notice of signs given by other road users ;
- (11) demonstrate general control of the vehicle by confident steering and smooth gear changing and braking as and when necessary ;
- (12) to change quickly to lower gear while driving down hill ;
- (13) to stop and re-start the vehicle on a steep upward incline making proper use of the handbrake or the throttle and the footbrake without any rolling back.

Notes.(i)—Requirements (7) and (8) are not applicable in the case of a motor cycle or a tri-cycle not equipped with means for reversing ;

(ii) Requirements (7), (8) and (9) are not applicable in the case of invalid carriages.

PART II

The candidate shall satisfy the person conducting the test that he is—

- (1) cognizant of the provisions of sections 81, 82, 83, 84 and 85 and of the Tenth Schedule ;
- (2) conversant with the general traffic rules and regulations relating to the use of lights, speeding, parking, stopping the vehicle in an emergency, accidents, production of documents, right of way, controlled and uncontrolled pedestrian crossings, meaning of light signals (amber, red and green), overtaking, taking a “U” turn, silence zones, one-way traffic, driving on channelised roads and other relevant matters ;
- (3) aware of the meaning of the traffic signs specified in the Ninth Schedule ;
- (4) not so deaf as to be unable to hear (or in the case of a person who has applied for a licence to drive a light motor vehicle with or

without hearing-aid), the ordinary sound signals. (This shall not apply to a person who has produced a medical certificate in Form C.) ;

(5) able to distinguish with each eye (or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost right of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 metres in good day light (with glasses if worn) a motor car number plate containing seven letters and figures. (This shall not apply to a person who has produced a medical certificate in Form C.)'.

80, Substitution of Sixth Schedule.—For the Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely :—

"THE SIXTH SCHEDULE

[See sections 24(3) and 29(2)]

Registration Marks

One of the groups of letters specified in the second column followed by any other letter shall be used as the registration mark for a vehicle in the State specified in the first column.

1	2
Andhra Pradesh	AP, AA
Assam	AS
Bihar	BR, BH
Gujarat	GJ, GT
Haryana	HR, HY
Jammu and Kashmir	JK
Kerala	KL
Madhya Pradesh	MP, CP
Maharashtra	MR, MH
Mysore	MY, ME
Nagaland	NL
Orissa	OR, OS
Punjab	PN, PU
Rajasthan	RJ, RS
Tamil Nadu	TN, TM
Uttar Pradesh	UP, US, UT
West Bengal	WB, WG, WM
Chandigarh	CG, CH
Delhi	DL, DH
Goa, Daman and Diu	GD
Himachal Pradesh	HI, HP
Manipur	MN
Pondicherry	PY, PD
Tripura	TR
Andaman Nicobar Islands	AN
Laccadive, Minicoy and Amindivi Islands	LC, MA

Note 1.—These letters shall be followed by not more than four figures, and the letters and figures shall be shown...

1. In the case of transport vehicles. In black on a white ground.
2. In the case of temporary registrations (section 25). In red on a yellow ground.
3. In the case of registration marks allotted to dealers (section 41 (2)(k)). In white on a red ground.
4. In other cases. In white on a black ground.

Note 2.—In respect of the Maharashtra State, the letters BM, BY, may continue to be used in respect of vehicles which were registered before the 1st October, 1961".

81. Substitution of Eighth Schedule.—For the Eighth Schedule to the principal Act, the following Schedule shall be substituted, namely :—

"THE EIGHTH SCHEDULE

(See section 71)

Limits of Speed for Motor Vehicles

Class of vehicle	Maximum speed per hour in Kilometres
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer :—	
(a) if the vehicle is a light motor vehicle or a motor cycle	No limit
(b) if the vehicle is a medium or heavy passenger motor vehicle	... 60
(c) if the vehicle is a medium or heavy goods motor vehicle	... 60
(2) If the vehicle is an articulated vehicle (all the wheels of which are fitted with pneumatic tyres) which is a heavy motor vehicle	... 50
(3) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres :—	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 800 kgms.	... 60
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 800 kgms.	... 50
(c) if the vehicle is a medium motor vehicle	... 50
(d) if the vehicle is a heavy motor vehicle	... 40
(e) if the vehicle is a heavy motor vehicle used by the fire brigade	... 50
(4) Any case not covered by entry (1), (2) or (3)	... 80".

82. Insertion of new Schedule —After the Eleventh Schedule to the principal Act, the following Schedule shall be inserted, namely :—

"THE TWELFTH SCHEDULE

(See section 135)

Repeal of Certain Enactments

Serial No.	Short title	Extent of repeal
1	2	3
1.	Motor Vehicles (Andhra Pradesh) (Andhra Area) Amendment Act, 1948 (20 of 1948)	The whole except sections 1 and 12.
2.	Motor Vehicles (Andhra Pradesh) (Telangana Area) Amendment Act, 1956 (45 of 1956)	The whole.
3.	Assam State Road Transport Act, 1954 (30 of 1954)	The whole

4. Assam State Road Transport (Amendment) Act, 1955 (18 of 1955) The whole.
5. Motor Vehicles (Bihar Amendment) Act, 1949 (27 of 1950) The whole except sections 1 and 3.
6. Motor Vehicles (Bihar Amendment) Act, 1953 (1 of 1954) The whole.
7. Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Kerala (20 of 1948) The whole except sections 1 and 3.
8. Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Kerala (44 of 1949) The whole.
9. Motor Vehicles (Madras Amendment) Act, 1954 as applicable to Kerala (39 of 1954) The whole.
10. Motor Vehicles (Madras Amendment) Act, 1948 (20 of 1948) The whole except sections 1, 3 and 5.
11. Motor Vehicles (Madras Amendment) Act, 1949 (44 of 1949) The whole.
12. Motor Vehicles (Madras Amendment) Act, 1954 (39 of 1954) The whole except sections 1 and 2.
13. Motor Vehicles (Madras Amendment) Act, 1957 (19 of 1957) The whole.
14. Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Madhya Pradesh (3 of 1948) The whole.
15. Motor Vehicles (Bombay Amendment) Act, 1947 (7 of 1947) The whole.
16. Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Maharashtra (9 of 1947) The whole.
17. Motor Vehicles (Bombay Amendment) Act, 1954 (31 of 1954) The whole.
18. Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Maharashtra (55 of 1956) The whole.
19. Motor Vehicles (Mysore Amendment) Act, 1953 (14 of 1953) The whole.
20. Motor Vehicles (Mysore Amendment) Act, 1955 (16 of 1955) The whole.
21. Motor Vehicles (Bombay Amendment) Act, 1947 as applicable to Mysore (7 of 1947) The whole.
22. Motor Vehicles (Bombay Amendment) Act, 1954 as applicable to Mysore (31 of 1954) The whole.
23. Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Mysore (45 of 1956) The whole.
24. Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Mysore (20 of 1948) The whole.
25. Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Mysore (45 of 1949) The whole.
26. Orissa Motor Vehicles (Amendment) Act, 1948 (1 of 1949) The whole.
27. Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Act, 1947 (36 of 1947) The whole.

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|-----|---|---|
| 28. | Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Amendment Act, 1951 (41 of 1951) | The whole |
| 29. | Motor Vehicles (East Punjab (Amendment) Act, 1948 (28 of 1948) | The whole except sections 1, 3, 4 and 10. |
| 30. | Motor Vehicles (United Provinces Amendment) Act, 1948 (11 of 1948) | The whole. |
| 31. | Motor Vehicles (Uttar Pradesh Amendment) Act, 1953 (28 of 1953) | The whole. |
| 32. | Uttar Pradesh Road Transport Services (Development) Act, 1955 (9 of 1955) | The whole except sections 1 and 14 |
| 33. | Motor Vehicles (West Bengal Amendment) Act, 1951 (19 of 1951) | The whole. |
| 34. | Motor Vehicles (Delhi Amendment) Act, 1954 (5 of 1954) | The whole. |
| 35. | Himachal Pradesh State Road Transport Act, 1953 (5 of 1954) | The whole. |

The Assam Reorganisation (Meghalaya) Act, 1969.

The following Act of Parliament received the assent of the President on the 29th December, 1969 and was published in the *Gazette of India* Ext. Part II—Section 1, No. 63, dated December 30, 1969/Paua, 1991.

Indian Parliament Act No. 55 of 1969,

[29th December 1969.]

An Act to provide for the formation within the State of Assam of an autonomous State to be known as Maghalya and for matters connected therewith.

Be is enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

PART I Preliminary

1. *Short title and commencement* (1)—This Act may be called the Assam Reorganisation (Meghalaya) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint for the formation of the autonomous State;

(b) “article” means an article of the Constitution;

(c) “autonomous State” means the autonomous State of Meghalaya formed under section 3;

(d) “constituency” means a territorial constituency provided by order made under section 12 for the purpose of election to the Legislative Assembly;

(e) “Election Commission” means the Election Commission appointed by the President under article 324;

(f) “Governor” means the Governor of Assam exercising his functions as Governor in relation to Meghalaya by virtue of this Act;

(g) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument, having immediately before the appointed day, the force of law in the whole or in any part of the autonomous State;

(h) “Legislative Assembly” means the Legislative Assembly of Meghalaya;

(i) “Meghalaya” means the autonomous State referred to in section 3;

(j) “member” means a member of the Legislative Assembly;

(k) “Official Gazette” mean the Official Gazette of Meghalaya or the Gazette of India ; and

(l) “prescribed” means prescribed by rules made under this Act.

PART II

Formation of the Autonomous State of Meghalaya.

3. *Formation of Meghalaya* (1)—On and from the appointed day there shall be formed within the State of Assam an autonomous State to be known as Meghalaya which shall, subject to the provisions of subsection (2), comprise the following tribal areas; namely:—

(i) The United Khasi-Jaintia Hills District as described in subparagraph (2) of paragraph 20 of the Sixth Schedule to the Constitution (exclusive of the proviso thereto) but excluding the areas transferred to the Mikir Hills autonomous district by the notification of the Government of Assam No TAD/R/31/50/149 dated the 13th April, 1951, and

(ii) the Garo Hills District specified in Part A of the table appended to paragraph 20 aforesaid.

(2) If, before such date as the Central Government may, by notification in the Official Gazette, fix for the purpose not being a date later than the appointed day, the District Counsel for the autonomous district of the North Cachar Hills or the Mikir Hills or both, as the case may be, has or have by resolution passed by a majority of not less than two thirds of the members thereof, expressed a desire that the said autonomous district or districts shall form part of Meghalaya, the President may, by, order, make a declaration to that effect and accordingly, on and from the appointed day, the North Cachar Hills District or the Mikir Hills District or both as the case may be shall also form part of Meghalaya.

4. *Executive power of Meghalaya.*—(1) The executive power of Meghalaya shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Act.

(2) Nothing in this section shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State of Assam or Meghalaya from conferring by law functions on any authority subordinate to the Governor.

5. *Extent of executive power of Meghalaya.*—(1) Subject to the provisions of this Act, the executive power of Meghalaya shall extend to the matters with respect to which the Legislature of Meghalaya has power to make laws :

Provided that in any matter with respect to which the Legislature of Meghalaya, the Legislature of the State of Assam and Parliament have power to make laws, the executive power of Meghalaya shall be subject to, and limited by, the executive power expressly conferred by this Act or by any law made by Parliament upon the Union or the State of Assam or the authorities thereof or, as the case may be, by the Legislature of the State of Assam upon the State of Assam or authorities thereof.

(2) On and from the appointed day, the executive power of the State of Assam shall not extend, in relation to Meghalaya, to the matters with respect to which the Legislature of Meghalaya has exclusive power to make laws under this Act.

(3) For the removal of doubts, it is hereby declared that, save as otherwise provided in this Act, the executive power of the State of Assam shall, in relation to Meghalaya, continue to extend to the matters with respect to which the Legislature of Meghalaya has no power to make laws.

6. *Council of Ministers.*—(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions in relation to Meghalaya.

(2) The question whether any, and if so, what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.

7. *Other provisions as to Ministers.*—(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the form set out for this purpose in the First Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of Ministers shall be such as the Legislature of Meghalaya may from time to time by law determine and until the Legislature so determines, shall be determined by the Governor.

8. *Advocate General for Meghalaya*—(1) The Governor may, if he thinks fit to do so, appoint a person who is qualified to be appointed a Judge of a High Court to be Advocate General for Meghalaya.

(2) It shall be the duty of the Advocate-General to give advice to the Government of Meghalaya upon such legal matters, and to perform such other duties of a legal character as may, from time to time, be referred or assigned to him by the Governor, and to discharge the functions

conferred on him by or under this Act or any other law for the time being in force.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

8. *Conduct of business.*—(1) All executive action of the Government of Meghalaya shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of Meghalaya and for the allocation among Ministers of the said business.

10. *Duties of Chief Minister as respects the furnishing of information to Governor, etc.*—It shall be the duty of the Chief Minister of Meghalaya—

(a) to communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of Meghalaya and proposals for legislation ;

(b) to furnish such information relating to the administration of the affairs of Meghalaya and proposals for legislation as the Governor may call for; and

(c) if the Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

PART III

The Legislature

General

11. *Constitution of the Legislature of Meghalaya* —(1) There shall be a Legislature for Meghalaya which shall consist of the Governor and the Legislative Assembly.

(2) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from constituencies in Meghalaya shall be fixed by the Central Government by notification in the Official Gazette after consultation with the Election Commission, but shall not be less than thirty-five or more than fifty five.

(3) The Governor may, if he is of opinion that any minority communities in Meghalaya need representation in the Legislative Assembly and are not adequately represented therein nominate not more than three members of such communities, not being persons in the service of the Government, to the Legislative Assembly.

12. *Delimitation of constituencies.*—(1) The Election Commission shall in the manner herein provided, distribute the total number of seats in the Legislative Assembly as fixed under sub-section (2) of section 11 to single member constituencies and delimit them on the basis of the latest census figures having regard to the following provisions, namely:—

(a) all constituencies shall, as far as practicable, consist of geographically compact areas and in delimiting them, regard shall be had to the physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every constituency shall be so delimited as to fall only within an Assembly constituency of the Legislative Assembly of the State of Assam;

(c) the population of each constituency shall, as far as practicable be the same throughout Meghalaya.

(2) For the purpose of assisting the Election Commission in the performance of its functions under this section, the Commission shall associate with it self such number of associate members not exceeding five as the Governor may nominate to represent Meghalaya:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled as soon as may be practicable by the Governor in accordance with the provisions of sub-section (2).

(4) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration hold one or more public sittings at such place or places as it may think fit;

(c) after considering all objections and suggestion which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order shall be laid before Legislative Assembly.

(6) Upon the completion of each census, the total number of seats in the Legislative Assembly and the division of Meghalaya into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

Explanation—In this section, "latest census figures" means the census figures with respect to Meghalaya ascertainable from the latest census of which the finally published figures are available.

18. *Power of Election Commission to maintain delimitation orders up-to date.*—(i) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under section 12 or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly.

14. *Electors and electoral rolls.*—(1) The persons entitled to vote at an election of members shall be the persons entitled by virtue of the provisions of the Constitution and the Representation of the People Act, 1950 (43 of 1950) to be registered as voters at elections to the House of the People.

(2) The electoral roll for every constituency shall consist of so much of the electoral roll for an Assembly constituency of the Legislative Assembly of the State of Assam as relates to the areas comprised within each such constituency and it shall not be necessary to prepare or revise separately the electoral roll for any constituency.

15. *Right to vote*—Every person, whose name is for the time being entered in the electoral roll for a constituency, shall be entitled to vote at the election of a member from that constituency.

16. *Qualification for membership*—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he—

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;

(b) is not less than twenty-five years of age; and

(c) is an elector in any constituency in Meghalaya.

17. *Election to the Legislative Assembly*—The provisions of Part I Chapters III and IV of Part II and Parts III to XI of the Representation of the People Act, 1951, (43 of 1951) and of any rules and orders made thereunder for the time being in force, shall apply to and in relation to the elections to the Legislative Assembly of Meghalaya as they apply to and in relation to an election to the Legislative Assembly of a State, subject to such modifications as the President may after consultation with the Election Commission, by order, direct.

18. *Duration of Legislative Assembly.*—The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Legislative Assembly :

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

19. *Sessions of Legislative Assembly, prorogation and dissolution.*—

(1) The Governor shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Governor may from time to time,—

(a) prorogue the Legislative Assembly;

(b) dissolve the Legislative Assembly.

20. *Right of Governor to address and send messages to Legislative Assembly.*—(1) The Governor may address the Legislative Assembly and may for that purpose require the attendance of members.

(2) The Governor may send messages to the Legislative Assembly, whether with respect to a Bill then pending in the Legislative Assembly or otherwise and when a message is so sent, the Legislative Assembly shall with all convenient despatch consider any matter required by the message to be taken into consideration.

21. *Special address by the Governor*—(1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly and inform the Assembly of the causes of its summons.

(2) Provision shall be made by the rules regulating the procedure of the Legislative Assembly for the allotment of time for discussion of the matters referred to in such address.

22. *Rights of Ministers as respects Legislative Assembly*.—Every Minister and the Advocate-General for Meghalaya shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

Officers of the Legislative Assembly

23. *Speaker and Deputy Speaker of Legislative Assembly*.—(1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker resign his office; and

(c) may be removed from his office by a resolution of the Legislative Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Legislative Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Legislative Assembly as the Governor may appoint for the purpose.

(4) During the absence of the Speaker from any sitting of the Legislative Assembly, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Assembly, or, if no such person is present, such other person as may be determined by the Legislative Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislature of Meghalaya by law and, until provision in that behalf is so made, such salaries and allowances as the Governor may, by order, determine.

24. *Speaker and Deputy Speaker not to preside while a resolution for his removal from office is under consideration*.—(1) At any sitting of the

Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or, while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 23 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Legislative Assembly and shall, notwithstanding anything in section 27, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

25. *Secretariat of Legislative Assembly.*—(1) The Legislative Assembly shall have a separate secretarial staff.

(2) The Legislature of Meghalaya may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly.

(3) Until provision is made by the Legislature of Meghalaya under sub-section (2), the Governor may after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly, and any rules so made shall have effect subject to the provisions of any law made under the said sub-section.

Conduct of business

26. *Oath or affirmation by members.*—Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

27. *Voting in Assembly power of Assembly to act notwithstanding vacancies and quorum.*—(1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) Until the Legislature of Meghalaya by law otherwise provides, the quorum to constitute a meeting of the Legislative Assembly shall be ten members.

(5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or suspend the meeting until there is a quorum.

Disqualifications of members

28. *Vacation of seats.*—(1) No person shall be a member of Parliament or of the Legislative Assembly of the State of Assam and also of the Legislative Assembly of Meghalaya and if a person is chosen a member of Parliament or of the Legislative Assembly of Assam and also of the Legislative Assembly of Meghalaya, then, at the expiration of such

period, as may be specified in rules made by the President, that person's seat in Parliament or as the case may be, in the Legislative Assembly of Assam shall become vacant unless he has previously resigned his seat in the Legislative Assembly of Meghalaya.

(2) If a member of the Legislative Assembly—

(a) becomes subject to any of the disqualifications mentioned in section 29, or

(b) resigns his seat by writing under his hand addressed to the Speaker, his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly is, without permission of the Legislative Assembly, absent from all meetings thereof, Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Legislative Assembly is prorogued or is adjourned for more than four consecutive days.

29. *Disqualifications for membership.*—(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly,—

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of Meghalaya other than an office declared by the Legislature of Meghalaya by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any of the provisions of Chapter III of Part II of the Representation of the People Act, 1951, (43 of 1951) as applied to and in relation to the Legislative Assembly by section 17.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of Meghalaya by reason only, that he is a Minister either for the Union or for such State or for Meghalaya.

(3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (1) the question shall be referred for the decision of the Governor and his decision shall be final.

(4) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

30. *Penalty for sitting and voting before making an oath or affirmation or when not qualified or when disqualified.*—If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of section 26, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of Meghalaya,

he shall be liable in respect of each day on which he so sits or votes, to a penalty of five hundred rupees to be recovered as a debt due to Meghalaya.

31. *Powers privileges etc. of members.*—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislature of Meghalaya, there shall be freedom of speech in the Legislative Assembly of Meghalaya.

(2) No member of the Legislative Assembly of Meghalaya shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as may from time to time be defined by the Legislature of Meghalaya by law, and until so defined, shall be those for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in or otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly.

32. *Salaries and allowances of members*—Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of Meghalaya by law and, until provision in that respect is so made, such salaries and allowances as the Governor may, by order determine.

Legislative powers and procedure

33. *Extent of Legislative Powers*—Subject to the provisions of this Act, the Legislature of Meghalaya has exclusive power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part A or Part B of the Second Schedule:

Provided that the exclusive power of the Legislature of Meghalaya to make laws in so far as it relates to that part of the area comprised within the municipality of Shillong as immediately before the commencement of the Constitution formed part of the Khasi State of Myllem, shall extend only to matters with respect to which the District Council having authority in that area has power to make laws (in whatever form it may be) immediately before the appointed day in exercise of any of the powers conferred by the Sixth Schedule to the Constitution.

(2) Subject to the provisions of this Act, the Legislature of Meghalaya and the Legislature of the State of Assam also shall have power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part C of the Second Schedule:

Provided that the power of the Legislature of Meghalaya to make any such law shall not extend to the area comprised within the municipality of Shillong which immediately before the commencement of the Constitution formed part of the Khasi State of Myllem.

(3) For the removal of doubts it is hereby declared that nothing in

sub-section (1) or sub-section (2) shall derogate from the powers conferred by the Constitution—

(a) on Parliament to make laws for the whole or any part of the State of Assam, including Meghalaya with respect to any of the matters enumerated in the Second Schedule ; or

(b) on the Legislature of the State of Assam to make laws for the whole or any part of Assam, including Meghalaya, with respect to any of the matters enumerated in List II or List III in the Seventh Schedule to the Constitution, except in so far as any of the matters aforesaid falls within sub-section (1).

34. *Exemption from taxation of properties of the Union and the State of Assam and of certain vehicles registered in Assam or Meghalaya*—(1) The property of the Union shall, save in so far as Parliament may, by law, otherwise provide, be exempt from all taxes imposed by Meghalaya or by any authority within Meghalaya.

(2) Nothing in sub section (1) shall until Parliament by law otherwise provides, prevent any authority within Meghalaya from levying any tax on any property of the Union to which property was immediately before the commencement of this Act liable or treated as liable so long as the tax continues to be levied in Meghalaya.

(3) The property of the State of Assam shall, so long as the property of Meghalaya in the rest of Assam is exempt from taxes imposed by the Government of Assam or by any authority within the State of Assam, be exempt from all taxes imposed by Meghalaya or by an authority within Meghalaya.

(4) No vehicle registered at any place in the State of Assam, not being a place in Meghalaya, and transiting through Meghalaya shall be liable to any tax under any law enacted by the Legislature of Meghalaya so long as any vehicle registered at any place in Meghalaya and transiting through the territory of Assam (not comprised in Meghalaya) is exempt from payment of any tax under any law enacted by the Legislature of the State of Assam.

35. *Inconsistency between laws made by Parliament and laws made by the Legislature of Meghalaya*.—(1) If any provision of a law made by the Legislature of Meghalaya is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislature of Meghalaya, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, with the Legislature of Meghalaya is competent to enact under this Act contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then the law so made by the Legislature of Meghalaya shall, if it has been reserved for the consideration of the President and has received his assent, prevail in Meghalaya:

Provided that nothing in this sub-section shall prevent Parliament from enacting at any time any law with respect to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

36. *Inconsistency between laws made by the Legislature of the State of Assam and laws made by the Legislature of Meghalaya.*—Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in Part C of the Second Schedule contains any provision repugnant to the provision of an earlier law made by the Legislature of the State of Assam which that Legislature is competent to enact, or to any provision of any existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void unless the law has received assent under section 39 after the Governor has obtained the advice of the Chief Minister of Assam :

Provided that nothing contained in this section shall prevent the Legislature of the State of Assam from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

Explanation 1—In this section and in sections 35 and 59, “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the appointed day by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation.

Explanation—In this section and in sections 39 and 50, the reference to the advice of the Chief Minister of Assam shall, while a Proclamation issued in relation to the State of Assam under clause (1) of article 356 of the Constitution is in operation, be construed as a reference to the instructions from the President.

37 *Special provisions as to financial Bills*—(1) A Bill or amendment shall not be introduced into or moved in the Legislative Assembly except on the recommendation of the Governor if such Bill or amendment makes provisions dealing with any of the following matters, namely :—

(a) the imposition, abolition, remission, alteration or regulation of any tax ;

(b) the regulation of the borrowing of money or the giving of any guarantee by Meghalaya, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by Meghalaya ;

(c) the custody of the Consolidated Fund or the Contingency Fund of Meghalaya, the payment of moneys into, or withdrawal of moneys from, any such Fund ;

(d) the appropriation of moneys out of the Consolidated Fund of Meghalaya ;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of Meghalaya, or the increasing of the amount of any such expenditure ;

(f) the receipt of money on account of the Consolidated Fund of Meghalaya or the public account of Meghalaya or the custody or issue of such money :

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters specified in sub-section (1) by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered,

or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill, which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of Meghalaya, shall not be passed by the Legislative Assembly unless the Governor has recommended to the Assembly the consideration of the Bill.

38. *Procedure as to lapsing of Bills.*—A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly, but shall lapse on a dissolution thereof.

39. *Assent to Bills.*—When a Bill has been passed by the Legislative Assembly, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President :

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Legislative Assembly will reconsider the Bill or any specified provisions thereof and, in particular will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Legislative Assembly shall reconsider the Bill accordingly, and if the Bill is passed again by the Assembly with or without amendment and presented to the Governor for assent, the Governor shall not—

(a) give assent in the case of a Bill containing provisions of the nature referred to in section 36 except after obtaining the advice of the Chief Minister of Assam ;

(b) withhold assent in the case of any other Bill.

Explanation.—For the purposes of this section and section 40, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 37 or any matter incidental to any of those matters and there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill :

Provided that a Bill shall not be deemed to be a money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

40. *Bills reserved for consideration* —When a Bill is reserved by the Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom ;

Provided that where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the Legislative Assembly together with such a message as is referred to in section 39, and when a Bill is so returned, the Legislative Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message, and if it is again passed by the Legislative Assembly with or without amendment, it shall be presented again to the President for his consideration.

41. *Requirements as to sanction and recommendation to be regarded as matters of procedure only.*—No Act of the Legislature of Meghalaya and

no provision in any such Act shall be invalid by reason only that some recommendation or previous sanction required by the Constitution or this Act was not given, if assent to that Act was given—

(a) where the recommendation required was that of the Governor, either by the Governor or by the President ;

(b) where the recommendation or previous sanction required was that of the President, by the President.

Procedure in financial matters

42. Annual Financial Statement.—(1) The Governor shall in respect of every financial year cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of Meghalaya for that year, hereinafter referred to as “the annual financial statement”.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of Meghalaya ; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of Meghalaya, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged upon the Consolidated Fund of Meghalaya—

(a) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly ;

(b) debt charges for which the autonomous State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt ;

(c) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal ; and

(d) any other expenditure declared by the Constitution or by the Legislature of Meghalaya to be so charged.

43. Procedure in Legislative Assembly with respect to estimates.—(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of Meghalaya shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor

44. Appropriation Bills.—(1) As soon as may be after the grants under section 43 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of Meghalaya of all moneys required to meet—

(a) the grants so made by the Legislative Assembly; and

(b) the expenditure charged on the Consolidated Fund of Meghalaya,

but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of Meghalaya, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the provisions of sections 45 and 46, no money shall be withdrawn from the Consolidated Fund of Meghalaya except under appropriation made by law passed in accordance with the provisions of this section.

45. *Supplementary additional or excess grants.*—(1) The Governor shall,—

(a) if the amount authorised by any law made in accordance with the provisions of section 44 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the Legislative Assembly another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly a demand for such excess, as the case may be.

(2) The provisions of sections 42, 43 and 44 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure or grant.

46. *Votes on Account and exceptional grant.*—(1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 43 for the voting of such grant and the passing of the law in accordance with the provisions of section 44 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of the autonomous State when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year; and the Legislature of Meghalaya shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of Meghalaya for the purpose for which the said grants are made.

(2) The provisions of sections 43 and 44 shall have effect in relation to the making of any grant under sub-section (1) and to any law to be made under that sub-section, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure.

Procedure generally

47. *Rules of procedure.*—(1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business including the language or languages to be used in the Legislative Assembly.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Assam in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Governor.

48. *Restrictions on discussion in the Legislative Assembly.*—No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court, or of a High Court, in the discharge of his duties.

49. *Courts not to enquire into the proceedings of Legislative Assembly.*—(1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

Legislative power of the Governor

50. *Power of Governor to promulgate Ordinances during recess of Legislative Assembly.*—(1) If at any time, except when the Legislative Assembly is in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that the Governor shall not without instructions from the President, promulgate any such Ordinance, if—

(a) a Bill containing the same provisions would under the Constitution or this Act have required the previous sanction of the President for the introduction thereof into the Legislative Assembly of Meghalaya; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of Meghalaya containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President:

Provided further that the Governor shall not, except on the advice of the Chief Minister of Assam, promulgate any such Ordinance if with respect to a Bill containing the same provisions he would have deemed it necessary under this Act to obtain the advice of the Chief Minister before assenting thereto.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Legislative Assembly assented to by the Governor but every such Ordinance—

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the reassembly of the Legislative Assembly or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly, upon the passing of the resolution; and

(b) may be withdrawn at any time by the Governor.

(3) If and so far as an Ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature of Meghalaya assented to by the Governor, it shall be void:

Provided that—

(a) for the purposes of section 35 relating to the effect of an Act of the Legislature of Meghalaya which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution, an Ordinance promulgated under this section in pursuance of instructions from the President shall be deemed to be an Act of the Legislature which has been reserved for the consideration of the President and assented to by him;

(b) for the purposes of section 36 relating to the effect of an Act of the Legislature of Meghalaya which is repugnant to an Act of the Legislature of the State of Assam or an existing law with respect to a matter enumerated in Part C of the Second Schedule, an Ordinance promulgated under this section on the Advice of the Chief Minister of Assam shall be deemed to be an Act of the Legislature which has been assented to on the advice of the Chief Minister.

PART IV

Financial Provisions

51. *Consolidated Fund.*—(1) Subject to the provisions of section 52, all revenue received by the Government of Meghalaya, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of Meghalaya".

(2) All other public moneys received by or on behalf of the Government of Meghalaya shall be credited to the public account of Meghalaya.

(3) No moneys out of the Consolidated Fund of Meghalaya shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Act.

52. *Contingency Fund.*—The Legislature of Meghalaya may, by law, establish a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of Meghalaya" into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of Meghalaya by law under section 45 or section 46.

53. *Custody of suitor's deposits and other moneys received by public servants and courts.*—All moneys received by or deposited with

(a) any officer employed in connection with the affairs of Meghalaya in his capacity as such, other than revenues or public moneys raised or received by the Government of Meghalaya, or

(b) any court within Meghalaya to the credit of any cause, matter, account or persons.

shall be paid into the public account of Meghalaya.

54. *Custody, etc., of Consolidated Fund, Contingency Fund and moneys credited to the public accounts.*—The custody of the Consolidated Fund and the Contingency Fund of Meghalaya, the payment of moneys in to such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or

on behalf of the Government of Meghalaya, their payment into the public account of Meghalaya and the withdrawal of moneys from such account and other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of Meghalaya, until in that behalf is so made, shall be regulated by rules made by the Governor.

55. *Certain taxes levied by Assam to be appropriated by Meghalaya* —

(1) Notwithstanding anything contained in this Act, any tax on the consumption or sale of electricity relatable to entry 53 in the State List in the Seventh Schedule to the Constitution, and any tax on the sale or purchase of goods relatable to entry 54 in the said List levied by the Government of Assam shall be collected within Meghalaya but not including any area comprised within the municipality of Shillong by the Government of Meghalaya, and the proceeds in any financial year of any such tax leviable within Meghalaya shall not form part of the Consolidated Fund of Assam, but shall form part of the Consolidated Fund of Meghalaya.

(2) Where a tax relatable to entry 54 in the State List aforesaid levied by the Government of Assam is collected by that Government at the first point of sale or purchase of goods, such portion of the tax so collected as may be agreed upon by the Governments of Assam and Meghalaya or in default of such agreement, as the Central Government may determine shall be payable to Meghalaya.

(3) The laws with respect to the taxes referred to in sub-section (1) shall have effect subject to such exceptions and modifications as the Central Government, may by order specify for the purpose of giving effect to the provisions of that sub-section.

56. *Distribution of revenues.*—(1) The Grants-in-aid under clause (1) of article 275 and the share of the taxes on income, the distributable Union duties of excise, the additional duties of excise on goods of special importance and estate duty payable to the State of Assam under the Constitution (Distribution of Revenue) Order, 1949, the Union 'Duties of Excise (Distribution) Act, 1964, (3 of 1962) the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) and the Estate Duty (Distribution) Act, 1964, (9 of 1962) shall be construed, as from the appointed day, as payable to the State of Assam and the autonomous State of Meghalaya in such proportion as the President may, by order, determine.

(2) Every order made by the President under sub-section (1) shall be laid before Parliament as soon as may be after it is made.

57. *Authorisation of expenditure pending its sanction by Legislative Assembly.*—The Governor may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of Meghalaya as he deems necessary for a period of not more than six months beginning with the appointed day pending the sanction of the expenditure by the Legislative Assembly:

Provided that the Governor may after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of Meghalaya for any period not extending beyond the said period of six months.

PART V

Assets and Liabilities

58. *Apportionment of assets and liabilities.*—The assets and liabilities of the State of Assam immediately before the appointed day shall be apportioned between that State and Meghalaya in accordance with the provisions contained in the Third Schedule.

PART VI

Administrative Relations

59. *Obligation of Meghalaya, the State of Assam and the Union.*—The executive power of Meghalaya shall be so exercised as to ensure compliance with the laws made by Parliament the Legislature of the State of Assam and any existing laws which apply in Meghalaya, and the executive power of the Union and of the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

60. *Control over the autonomous State in certain cases*—The executive power of Meghalaya shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union or the Government of Assam, as the case may be, and the executive power of the Union and the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

61. *Entrustment of functions*—Notwithstanding anything in this Act,—

(a) the Government of Assam may, with the consent of the Government of Meghalaya, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State of Assam extends;

(b) the Government of Meghalaya may, with the consent of the Government of Assam, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of Meghalaya extends.

PART VII

Transitional Provisions

62. *Provisions as to Provisional Legislative Assembly.*—(1) Until the Legislative Assembly of Meghalaya has been duly constituted and summoned to meet for the first session under the provisions of Part III, there shall be a Provisional Legislative Assembly which shall consist of not less than thirty-five and not more than fifty-five persons as the Central Government may, after consultation with the Election Commission, by order, determine, and such persons shall be elected in the manner specified in sub-section (2).

(2) Subject to the provisions of sub-section (1), the members of the Provisional Legislative Assembly shall be elected in the following manner, namely:—

(a) there shall be an electoral college for each autonomous district within Meghalaya which shall consist of the elected members of the District Council thereof, and each electoral college shall elect such number of persons to the Provisional Legislative Assembly as the President may, after consultation with the Election Commission, by order, determine;

(b) the election of members to the Provisional Legislative Assembly shall be in accordance with the system of proportional representation by means of the single transferable vote and shall be subject to such rules as the Central Government may, after consultation with the Election Commission, make in this behalf.

(3) The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government, to represent any minority communities in Meghalaya which, in its opinion, need representation in the Assembly.

(4) No person shall be qualified to be chosen as a member of the Provisional Legislative Assembly unless he is a person whose name is

for the time being entered in the electoral roll for so much of any constituency of the Legislative Assembly of Assam as is comprised within Meghalaya and is not less than twenty-five years of age.

(5) If owing to death, resignation or otherwise, the office of a member of the Provisional Legislative Assembly falls vacant, it may be filled up as soon as practicable under and in accordance with the foregoing provisions of this section.

(6) The term of office of the members of the Provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted under this Act.

(7) The election by the electoral college under this section shall not be called in question on the ground merely of the existence of a vacancy in the membership of any District Council forming part of the electoral college.

(8) The Provisional Legislative Assembly constituted under this section shall, for so long it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act, and accordingly the provisions of Part III shall, so far as may be, apply in relation to the Provisional Legislative Assembly as they apply in relation to the Legislative Assembly.

PART VIII

Miscellaneous Provisions

63. *Special committee for development of Shillong.*—The Central Government may, in consultation with the Government of Assam and Meghalaya by order, constitute a committee consisting of such number of persons as it may think fit for advising the two Governments on matters of common interest with respect to Shillong in the field of education and water supply in particular, and with respect to its development and administration in general.

Explanation.—In this section, Shillong shall mean the areas comprised within the cantonment and municipality of Shillong and include such other areas adjoining the said cantonment or municipality as may be agreed upon by the Governments of Assam and Meghalaya in this behalf.

64. *Provisions as to continuance of courts.*—All courts and tribunals and all authorities discharging lawful functions throughout Meghalaya or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent authority, continue to exercise their respective functions.

65. *Provisions relating to services.*—(1) Every person who being a member of an All-India Service is for the time being born on the Assam State Cadre of that Service or is otherwise serving in connection with the affairs of the State of Assam as a member of class I service of that State may be required by the Government of that State to serve in connection with the affairs of Meghalaya for such period or periods as the Government of Assam may, by order direct:

Provided that no such order shall be made—

(a) before the appointed day, except with the approval of the Central Government; and

(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Meghalaya.

(2) Subject to any general or special order which the Central Government may make in this behalf, the control over any such person as is referred to in sub section (1) shall, for so long as he is required to serve in connection with the affairs of Meghalaya, be vested in the Government of Meghalaya.

(3) Such persons serving in connection with the affairs of the State of Assam immediately before the appointed day, not being a person referred to in sub-section (1), as may be determined by agreement between the Government of Assam and the Government of Meghalaya or in default of agreement, by the Central Government, may, notwithstanding anything in the terms of their appointments or their conditions of service, be required to serve in connection with the affairs of the autonomous State.

(4) All previous service rendered by a person referred to in sub-section (3) in connection with the affairs of the State of Assam shall be deemed to have been rendered in connection with the affairs of the autonomous State for the purposes of the rules regulating his conditions of service.

(5) Nothing in sub-sections (3) and (4) shall be deemed to affect the power of the Legislature of Meghalaya or the Governor to determine the conditions of service of persons serving in connection with the affairs of Meghalaya:

Provided that the conditions of service applicable immediately before the appointed day to any person referred to in sub-section (3) shall not be varied to his disadvantage except with the previous approval of the Government of Assam.

66. *Continuance of existing laws and their adaptations.*—(1) All laws in force immediately before the appointed day in the autonomous State shall continue to be in force therein until altered, repealed or amended by a competent legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the autonomous State of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations or modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

Explanation—In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, as respects any law relating to a matter in the Second Schedule, the Government of Meghalaya and, as respects any other law the Government of Assam.

67. *Autonomous State to be a State for certain purposes of the Constitution.*—Subject to the other provisions contained in this Act reference to a State (by whatever form of words) in any of the following articles of the Constitution shall be construed as including a reference to the autonomous State, namely:—

Articles 12 to 15 (inclusive), 16 [except clause (3) thereof] 18, 19, 23, 25, 28 to 31 (inclusive), 31A, 34 to 51 (inclusive) 58, 59, 68, 73, 102, 110(1) (f), 131, 138, 149, 150, 151, 161, 209, 210, 233, 234, 235, 237, 251, 252, 256 to 258A (inclusive), 261, 262, 263, 268, 269, 270, 272, 274 to 280 (inclusive), 282, 288, 289, 293, 296, 298 to 305 (inclusive), 308 to 311 (inclusive), 320, 323 (2), 324 to 329 (inclusive), 339 to 342 (inclusive), 345 to 348 (inclusive) 350, 250A, 350B, 353, 355 to 358 (inclusive), 360, 361, 364 to 367 (inclusive).

29. Incorporation, regulation and winding up of universities ; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies (Entry 32).

30. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements (Entry 33).

31. Betting and gambling (Entry 34).

32. Works, lands and buildings vested in or in the possession of the autonomous State (Entry 35).

33. Elections to the legislature of the autonomous State subject to the provisions of any law made by Parliament (Entry 37).

34. Salaries and allowances of members, Speaker and Deputy Speaker of the Legislative Assembly (Entry 38).

35. Powers, privileges and immunities of the Legislative Assembly and of the members and committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of Meghalaya (Entry 39).

36. Salaries and allowances of Ministers for the autonomous State (Entry 40).

37. Public services of the autonomous State (Entry 41).

38. Pensions payable by the autonomous State or out of the Consolidated Fund of Meghalaya (Entry 42).

39. Public debt of the autonomous State (Entry 43).

40. Treasure trove (Entry 44).

41. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues (Entry 45).

42. Taxes on agricultural income (Entry 46).

43. Duties in respect of succession to agricultural land (Entry 47).

44. Estate duty in respect of agricultural land (Entry 48).

45. Taxes on lands and buildings (Entry 49).

46. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development (Entry 50).

47. Duties of excise on the following goods manufactured or produced in the autonomous State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India :—

(a) alcoholic liquors for human consumption ;

(b) opium, Indian hemp and other narcotic drugs and narcotics, but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry (Entry 51).

48. Taxes on the entry of goods into a local area for consumption, use or sale therein (Entry 52).

49. Taxes on advertisements other than advertisements published in the newspapers (Entry 55).

50. Taxes on goods and passengers carried by road or on inland waterways (Entry 56).

51. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads including tram-cars subject to the provisions of entry 35 of List III (Entry 57)

52. Taxes on animals and boats (Entry 58).

53. Tolls (Entry 59).

54. Taxes on professions, trades, callings and employments (Entry 60).

55. Capitation taxes (Entry 61).

56. Taxes on luxuries, including taxes on entertainment, amusements, betting and gambling (Entry 62).

57. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty (Entry 63).

58. Any other matter not enumerated in this Part and in respect of which a District Council has power to make laws under paragraph 3 of the Sixth Schedule in the Constitution, to the extent to which it is not included in entry 16 of this Part and entry 2 of Part C.

59. Offences against laws with respect to any of the matters in this Part (Entry 64).

60. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 65).

61. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 66).

PART B

The following matters enumerated or to the extent included in List III—Concurrent List.

1. Marriage and divorce; wills, intestacy and succession; social customs; appointment or succession of Chiefs or Headmen (Entry 5).

2. Offences against laws with respect to any of the matters in this Part (Entry 1),

3. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 46).

4. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 47).

PART C

[See section 33 (2)]

Matters with respect to which the Legislature of Meghalaya and the Legislature of the State of Assam also have power to make laws, namely, the following matters enumerated or to the extent included in List II—State List and List III—Concurrent List.

1. Scheme of agriculture designed to benefit both the areas of the autonomous State as well as the rest of Assam (Entry 14 of List II).

2. Conservation of forests in catchment areas of projects referred to in entry 16 of Part A, financed by the Government of Assam wholly or in part and declared by the Legislature of the State of Assam by law to be projects of State importance (Entry 19 of List II).

3. Industries subject to the provisions of entries 7 and 52 of List I (Entry 24 of List II).

4. Production, supply and distribution of goods, subject to the provisions of entry 33 of List III (Entry 27 of List II).

5. Removal from the autonomous State to any other area of the State of Assam or to any other State of prisoners and accused persons (Entry 4 of List III).

6. Transfer of property other than agricultural land, subject to entry 58 of Part A; registration of deeds and documents (Entry 6 of List II).

7. Economic and social planning (Entry 20 of List III).

8. Acquisition and requisitioning of property (Entry 42 of List III).

9. Recovery in the autonomous State of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such arrears, arising outside the autonomous State (Entry 43 of List III).

10. Inquiries and statistics for the purposes of any of the matters specified in this Schedule (Entry 45 of List III).

11. Offences against laws with respect to any of the matters in this Part (Entry 64 of List II and Entry 1 of List III).

12. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 65 of List II and Entry 46 of List III).

13. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 66 of List II and Entry 47 of List III).

THE THIRD SCHEDULE

(See section 58)

APPORTIONMENT OF ASSETS AND LIABILITIES

1. *Definitions.*—In this Schedule:—

(a) "purpose of the autonomous State" means a purpose relatable to any of the matters in respect of which the Legislature of Meghalaya has power to make laws under this Act; and

(b) "population ratio", in relation to Meghalaya, means such ratio as the Central Government may, by order, specify as the ratio between the population as ascertained at the last preceding census of Meghalaya and the rest of the State of Assam.

2. *Lands and goods.*—(1) Subject to the other provisions contained in this Schedule, all land and all stores, articles and other goods held by the State of Assam within the territories of Meghalaya shall, on the appointed day, pass to Meghalaya, if the purposes for which they were held will be purposes of the autonomous State.

(2) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the areas comprised partly in Meghalaya any part in the rest of Assam and unissued stores shall be divided between the State of Assam and Meghalaya in accordance with such directions as the Central Government may think fit to issue for a just and equitable distribution thereof.

Explanation.—In this paragraph, the expression "land" includes immovable property of every description and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

3. *Treasury and bank balances.*—The total of the cash balances in all treasuries of the State of Assam and the balances of that State with the Reserve Bank of India or any other bank immediately before the appointed day shall be divided between the State of Assam and Meghalaya according to the population ratio:

Provided that for the purpose of such division there shall be no transfer of cash balance from any treasury to any other treasury, and the apportionment shall be effected by adjusting the balance of the State of Assam and Meghalaya in the goods of the Reserve Bank of India on the appointed day or in such other manner as the Central Government may, by order, direct.

4. *Arrears of taxes.*—Meghalaya shall have the right to recover the arrears of any tax or duty, including the arrears of land revenue, on property situate in Meghalaya, and shall also have the right to recover the arrears of any other tax or duty if the place of assessment of that tax or duty is located in Meghalaya:

Provided that nothing in this paragraph shall apply in relation to arrears of any tax or duty which Meghalaya is not competent to collect.

5. *Right to recover loans and advances.*—(1) The right to recover any loans or advances made before the appointed day by the State of Assam to any local body, society, agriculturist or other person in Meghalaya shall belong to Meghalaya, if the purpose for which the loans or advances were made will thereafter be a purpose of the autonomous State.

(2) The right to recover loans and advances of pay and travelling allowances to a Government servant made before the appointed day by the State of Assam shall pass to Meghalaya if, after the appointed day, that Government servant is required to serve in connection with the affairs of Meghalaya under sub-section (3) of section 65.

6. *Investments and credits in certain funds.*—The investments made before the appointed day from the Cash Balance Investment Account any other general fund of the State of Assam shall, after the appointed day, be divided between the State of Assam and Meghalaya according to the population ratio; and the investments in any special fund the objects of which are confined to a local area in Meghalaya shall pass to Meghalaya if such investment relates to a purpose of the autonomous State.

7. *Assets and liabilities of State undertakings and investments.*—(1) The assets and liabilities in Meghalaya on the appointed day relating to any commercial or industrial undertaking of the State of Assam other than an undertaking on which the State of Assam has incurred a capital outlay exceeding rupees fifty lakhs or a Government company shall, after the appointed day, pass to Meghalaya if the purpose of the undertaking relates to a purpose of the autonomous State.

(2) Where a depreciation reserve fund is maintained by the State of Assam for any such undertaking as is referred to in sub-paragraph (1), the securities held in respect of such investments made from that fund shall pass to Meghalaya.

(3) The investments of the State of Assam made before the appointed day in any body corporate or co-operative society whose area of operation or jurisdiction extends to areas comprised partly within Meghalaya and partly within the rest of the State of Assam, or in any Government company or private commercial or industrial undertaking shall, if the Central Government so directs, be allocated between the Government of Assam and the Government of Meghalaya in such proportion as may be agreed upon between the two Governments within one year from the date of direction aforesaid or, in default of such agreement, as the Central Government may by order direct.

8. *Public debt.*—(1) The public debt of the State of Assam attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall continue to be the public debt of that State, and Meghalaya shall be liable to pay to the State of Assam its share of the sums due from time to time for the servicing and repayment of the debt.

(2) For the purpose of determining the share referred to in sub-paragraph (1), the debt shall be deemed to be divided between the State of Assam and Meghalaya as if it were a debt referred to in sub-paragraph (4).

(3) Out of so much of the public debt of Assam, other than the public debt referred to in sub-paragraph (1), as is equal to the amount of loans and advances made by that State and outstanding on the appointed

day, the share of the liability of Meghalaya shall be for an amount equal to the loans and advances recoverable by Meghalaya under paragraph 5.

(4) The remaining public debt of the State of Assam attributable to loans taken from the Central Government, the Reserve Bank of India or any other body or bank outstanding immediately before the appointed day, shall be divided between the Assam and Meghalaya in proportion to the total capital expenditure on all capital works and other capital outlays incurred or deemed to have been incurred by the State of Assam up to the appointed day and the total expenditure on all capital works and other capital outlays incurred or deemed to have been incurred up to that day in Meghalaya for purposes of the autonomous State.

(5) For the purposes of this paragraph, "Government security" means a security created and issued by the State of Assam for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944).

9. *Refund of taxes collected in excess*.—After the appointed day, it shall be the liability of Meghalaya to refund any tax or duty on property, including land revenue, collected in excess on any property situate in Meghalaya or any other tax or duty collected in excess, if the place of assessment of that tax or duty is situate in Meghalaya:

Provided that nothing in this paragraph shall apply to the refund of any tax or duty which Meghalaya is not competent to collect.

10. *Deposits, etc.*—The liability of the State of Assam in respect of any civil deposit or local fund deposit made before the appointed day in any place situate in Meghalaya, shall become the liability of Meghalaya if the deposit is for any purpose of the autonomous State.

11. *Provident Fund*.—The liability of the State of Assam in respect of the Provident Fund account of a Government servant required to serve in connection with the affairs of Meghalaya under sub-section (3) of section 65 shall, on and from the appointed day, be the liability of Meghalaya.

12. *Pensions*.—The liability of the State of Assam or Meghalaya in respect of pensions shall be apportioned between the two in such manner as may be agreed upon between them or in default of such agreement, in such manner as the Central Government may, by order specify.

13. *Contracts*.—(1) Where, before the appointed day, the State of Assam has made any contract in the exercise of its executive power for any of the purposes of that State, that contract shall be deemed to have been made in the exercise of the executive power of Meghalaya if the purpose is as from that day exclusively a purpose of the autonomous State, and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of Assam, be rights or liabilities of Meghalaya.

(2) For the purposes of this paragraph, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in, or in connection with, any such proceedings.

(3) This paragraph shall have effect subject to the other provisions

of this Schedule relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

14. *Liability in respect of actionable wrong.*—Where immediately before the appointed day, the State of Assam is subject to any liability in respect of an actionable wrong other than a breach of contract, that liability shall be the liability of Meghalaya if it relates thereafter to a purpose of the autonomous State.

15. *Liability as guarantor.*—Where, immediately before the appointed day, the State of Assam is liable as guarantor in respect of any liability of a registered co-operative society or other person that liability shall be the liability of Meghalaya if it relates thereafter to a purpose of the autonomous State.

16. *Items in suspense.*—If any item in suspense relating to a purpose of the autonomous State is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing paragraphs of this Schedule, it shall be dealt with in accordance with that provision.

17. *Residuary provisions.*—The benefit or burden of any asset or liability of the State of Assam which relates to a purpose of the autonomous State and which is not dealt with in any of the foregoing paragraphs of this Schedule, shall pass to Meghalaya.

18. *Apportionment of assets and liabilities by agreement.*—Where the State of Assam and Meghalaya agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that as provided for in the foregoing paragraphs of this Schedule then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

19. *Power of Central Government to order allocation or adjustment in certain cases.*—Where, by virtue of any of the provisions of this Schedule the State of Assam or Meghalaya is entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made to it within a period of three years from the appointed day be the State of Assam or the autonomous State as the case may be that it is just and equitable that that property or those benefits should be transferred to one of the two States or shared between them or that a contribution towards that liability should be made by either of the States the said property or benefits shall be allocated in such manner, or Meghalaya or the State of Assam shall make to the other State primarily subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the Government of Assam and the Government of Meghalaya by order determine.

THE FOURTH SCHEDULE

(See section 74)

AMENDMENTS TO THE SIXTH SCHEDULE OF THE CONSTITUTION

1. In the Sixth Schedule to the Constitution (hereinafter referred to as the Sixth Schedule) in sub-paragraph (3) of paragraph 1, after clause (f), the following clause shall be inserted, namely:—

“(ff) alter the name of any autonomous district;”

2. In paragraph 2 of the Sixth Schedule,—

(i) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

"(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.";

(ii) in sub-paragraph (6)—

(a) in clause (e), for the words "such Councils", the words "Regional Councils" shall be substituted;

(b) in clause (g), after the words "conduct of business", the words "practices and words" (including the power to act notwithstanding any vacancy)" shall be inserted;

(iii) after sub paragraph (6), the following sub-paragraph shall be inserted, namely:—

"(6A) The elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor.

Provided that the said period of five years may, while a Proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of elections impracticable, be extended by the Governor for a period not exceeding one year at a time and in any case where a Proclamation of Emergency is in operation not extending beyond a period of six months after the Proclamation has ceased to operate:

Provided further that a member elected to fill a casual vacancy shall office only for the remainder of the term of office of the member whom he replaces.";

(iv) in sub-paragraph (7)—

(a) after the words "make rules", where they first occur the words "with the approval of the Governor" shall be inserted and where they occur a second time the words "with like approval" shall be inserted;

(b) the second proviso shall be omitted.

3. In paragraph 3 of the Sixth Schedule, in sub paragraph (1),—

(i) in the proviso to clause (a), for the words "Government of Assam", the words "Government of Assam or the Government of Meghalaya" shall be substituted;

(ii) for clause (i), the following clause shall be substituted, namely:—

(ii) "marriage and divorce;".

4. In paragraph 4 of the Sixth Schedule, the following sub-paragraph shall be inserted at the end, namely:—

(5) On and from such date as the President may, after consulting the Government of Assam or, as the case may be, the Government of Meghalaya, by notification appoint in this behalf this paragraph shall have effect in relation to such autonomous district or region as may be specified in the notification, as if—

(i) in sub-paragraph (1), for the words "between the parties all of whom belong to Scheduled Tribes within such areas, other than suit and cases to which the provisions of sub paragraph (1) of paragraph 5 of this Schedule apply," the words "not being suits and cases of the nature referred to in sub-paragraph (1) of paragraph 5 of this Schedule, which the Governor may specify in this behalf," had been substituted;

(ii) sub-paragraphs (2) and (3) had been omitted.

(iii) in sub-paragraph (4)—

for the words "A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating", the words "The Governor may make rules regulating" had been substituted; and

(b) for clause (a), the following clause had been substituted, namely:—

"(a) the constitution of village councils and courts the powers to be exercised by them under this paragraph and the courts to which appeals from the decisions of village councils and courts shall lie;"

(c) for clause (c), the following clause had been substituted, namely:—

"(c) the transfer of appeals and other proceedings pending before the Regional or District Council or any court constituted by such Council immediately before the date appointed by the President under sub-paragraph (3);" and

(d) in clause (e), for the words, brackets and figures "sub-paragraphs (1) and (2)" the word, brackets and figure "sub-paragraph (1)" had been substituted.

5. In paragraph 5 of the Sixth Schedule, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

"(4) On and from the date appointed by the President under sub-paragraph (5) of paragraph 4 in relation to any autonomous district or autonomous region, nothing contained in this paragraph shall, in its application to that district or region, be deemed to authorise the Governor to confer on the District Council or Regional Council or on courts constituted by the District Council any of the powers referred to in sub-paragraph (1) of this paragraph."

6. For paragraph 6 of the Sixth Schedule, the following paragraph shall be substituted, namely:—

"6. *Powers of the District Council to establish primary schools, etc.—*

(1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

(2) The Governor may, with the consent of any District Council, entrust either conditionally or unconditionally to that Council or to its officers functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive powers of the State of Assam or Meghalaya, as the case may be, extends."

7. In paragraph 7 of the Sixth Schedule, for sub-paragraph (2), the following sub paragraphs shall be substituted, namely;—

"(2) The Governor may make rules for the management of the District Fund, or, as the case may be, the Regional Fund and for the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.

(3) The accounts of the District Council or, as the case may be, the Regional Council shall be kept in such form as the Comptroller an

Auditor-General of India may, with the approval of the President, prescribe.

(4) The Comptroller and Auditor-General shall cause the accounts of the District and Regional Councils to be audited in such manner as he may think fit, and the reports of the Comptroller and Auditor-General relating to such accounts shall be submitted to the Governor who shall cause them to be laid before the Council."

8. In paragraph 8 of the Sixth Schedule, in sub-paragraph (4), the following words shall be inserted at the end, namely :—

"and every such regulation shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect."

9. After paragraph 12 of the Sixth Schedule, the following paragraph shall be inserted, namely :—

"12A. *Special provisions as respects application of laws in Meghalaya.*—(1) Notwithstanding anything contained in paragraph 12,—

(a) if any provision of a law made by a District or Regional Council in Meghalaya with respect to any of the matters specified in clause (b) or clause (c) of sub-paragraph (1) of paragraph 3 of this Schedule is repugnant to any provision of a law made by the Legislature of the State of Assam with respect to any project declared by the Legislature of that State to be of State importance, then, the law made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the State of Assam, shall, to the extent of the repugnancy, be void and the law made by the Legislature of the State of Assam shall prevail ;

(b) if any provision of a law made by a District or Regional Council in Meghalaya with respect to any of the matters specified in clause (b) or clause (c) or clause (f) of sub paragraph (1) of paragraph 3 of this Schedule is repugnant to any provision of a law made by the Legislature of Meghalaya with respect to that matter, then, the law made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of Meghalaya shall prevail.

(2) If it appears to two or more District Councils or Regional Councils in Meghalaya to be desirable that any of the matters with respect to which they have power to make laws under paragraph 3 of this Schedule should be regulated by the Legislature of Meghalaya by law and if resolutions to that effect are passed by the said District Councils or Regional Councils, it shall be lawful for the Legislature of Meghalaya to pass an Act regulating that matter accordingly, and any Act so passed shall apply to the autonomous districts or regions concerned, and to any other autonomous district or region the District or Regional Council whereof adopts it afterwards by resolution passed in this behalf.

(3) An Act passed by the Legislature of Meghalaya under sub-paragraph (2) of this paragraph may be amended or repealed by an Act of the Legislature of Meghalaya passed in like manner, but shall not, as respects any autonomous district or region to which it applies, be amended or repealed by any law made by the District or Regional Council thereof.

(4) The Governor may, with respect to any Act of the Legislature of the State of Assam, and the President may, with respect to any Act of Parliament, by public notification direct, that it shall not apply to Meghalaya, or shall apply thereto, or to any part thereof subject to such exceptions or modifications as he may specify in the notification, and any such direction may be so given as to have retrospective effect.

(5) The provisions of clause (b) of sub-paragraph (1) of paragraph 12 shall not apply to Meghalaya."

10. In sub-paragraph (1) of paragraph 15 of the Sixth Schedule, after the words "safety of India", the words "or is likely to be prejudicial to public order" shall be inserted.

11. Paragraph 16 of the Sixth Schedule shall be re-numbered as sub-paragraph (1) of that paragraph and to that paragraph as so re-numbered the following sub-paragraphs shall be added, namely:—

"(2) If at any time the Governor is satisfied that a situation has arisen in which the administration of an autonomous district or region cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification, assume to himself all or any of the functions or powers vested in or exercisable by the District Council or, as the case may be, the Regional Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, for a period not exceeding six months :

Provided that the Governor may by a further order or orders extend the operation for the initial order by a period not exceeding six months on each occasion.

(3) Every order made under sub-paragraph (2) of this paragraph with the reasons therefor shall be laid before the Legislature of the State and shall cease to operate at the expiration of thirty days from the date on which the State Legislature first sits after the issue of the order, unless, before the expiry of that period it has been approved by the State Legislature."

12. After paragraph 20 of the Sixth Schedule, the following paragraph shall be inserted, namely:—

"20A. *Interpretation.* (1) In this Schedule,—

(a) "Governor", in relation to Meghalaya, means the Governor of Assam acting on the aid and advice of the Council of Ministers for Meghalaya, except in so far as he is by or under this Schedule required to exercise his functions in his discretion or to exercise his powers under sub-paragraph (4) of paragraph 12A;

(b) "Meghalaya" means the autonomous State formed under article 244A.

(2) Subject to any express provision made in this behalf, the provisions of this Schedule shall, in their application to Meghalaya, have effect—

(i) as if references to the Government of Assam, State of Assam, State and Legislature of the State were references respectively to the Government of Meghalaya, the autonomous State of Meghalaya, Meghalaya and the Legislature of Meghalaya;

(ii) as if in paragraph 13, the words and figures "under article 202" had been omitted.,

The Finance Act, 1970

The following Act of Parliament received the assent of the President on the 14th May, 1970, and was published in the *Gazette of India*, Ext., Part II-Sec. 1, No. 20, dated May 14, 1970/Vaisakha 24, 1892.

Indian Parliament Act No. 19 of 1970.

An Act to give effect to the financial proposals of the Central Government for the financial year 1970-71.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

CHAPTER I

Preliminary.

1. *Short title and commencement.*—This Act may be called the Finance Act, 1970

(2) Save as otherwise provided in this Act, sections 2 to 27 (both inclusive) and sections 38 and 39 shall be deemed to have come into force on the 1st day of April, 1970.

CHAPTER II

Rates of Income Tax

2. *Income-tax.*—(1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1970, income-tax shall be charged at the rates specified in Part I of the First Schedule and, in the cases to which Paragraphs A, B, C and D of that Part apply, shall be increased by a surcharge for purposes of the Union and in the cases to which Paragraph C applies, also by a special, surcharge for purposes of the Union, calculated in each case in the manner provided therein.

(2) In making any assessment for the assessment year commencing on the 1st day of April, 1970, where the total income of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956) includes any profits and gains from life insurance business, the income tax payable by it shall be the aggregate of the income-tax calculated—

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable in the case of the Life Insurance Corporation of India, in accordance with Paragraph E of Part I of the First Schedule, to that part of its total income which consists of profits and gains from life insurance business; and

(ii) on the remaining part of its total income, at the rate applicable to the company on its total income.

(3) In cases to which Chapter XII of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Income tax Act) applies, the tax chargeable shall be determined as provided in that Chapter, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter, as the case may be.

(4) In cases in which tax has to be deducted under sections 193, 194, 194A and 195 of the Income-tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule.

(5) In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule.

(6) For the purposes of this section and the First Schedule,—

(a) "company in which the public are substantially interested" means a company in which is such a company as is referred to in section 108 of the Income-tax Act;

(b) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1970, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of section 194 of that Act;

(c) "industrial company" means a company which is mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining.

Explanation.—For the purposes of this clause, a company shall be deemed to be mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining, if the income attributable to any one or more of the aforesaid activities included in its total income of the previous year (as computed before making any deduction under Chapter VIA of the Income-tax Act) is not less than fifty one per cent of such total income;

(d) "tax free security" means any security of the Central Government issued or declared to be income-tax free, or any security of a State Government issued income tax free, the income-tax whereon is payable by the State Government;

(e) all other words and expressions used in this section and the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings, respectively, assigned to them in that Act-

CHAPTER III

Income tax

3. *Amendment of section 2.*—In section 2 of the Income-tax Act,—

(a) in clause (14), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

"(iii) agricultural land in India, not being land situate—

(a) in any area which is comprised within the jurisdiction of a municipality (whether known as a municipality, municipal corporation notified area committee, town area committee, town committee, or by any other name) or a cantonment board and which has a population of not less than ten thousand according to the last preceding census of which the relevant figures have been published before the first day of the previous year; or

(b) in any area within such distance, not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (a) as the Central Government may, having regard to the extent of, and scope for, urbanisation of that area and other relevant considerations, specify in this behalf by notification in the Official Gazette;";

(b) for clause (16), the following clause shall be substituted namely:—

"(16) "Commissioner" means a person appointed to be a Commissioner of Income-tax under sub-section (1) of section 117, and includes a person appointed to be an Additional Commissioner of Income-tax under that sub-section;";

(c) in clause (37A), in sub-clause (i), for the words, figures and letter computation of the "advance tax" payable under Chapter XVII-C,

the rate or rates of Income-tax specified in this behalf in the Finance Act of the relevant year, the following shall be substituted with effect from the 1st day of April, 1971, namely:—

computation of the "advance tax" payable under Chapter XVII-C in a case not falling under section 164, the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year, and for the purposes of computation of the "advance tax" payable under Chapter XVII-C in a case falling under section 164, the rate specified in that section or the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year, whichever is applicable.

4. *Amendment of section 10.*—In section 10 of the Income-tax Act,—

(2) after clause (20), the following clause shall be, and shall be deemed always to have been, inserted, namely:—

"(20A) any income of an authority constituted in India by or under any law enacted either for the purpose of dealing with and satisfying the need for housing accommodation or for the purpose of planning, development or improvement of cities, towns and villages, or for both;"

(b) after clause (22), the following clause shall be inserted, namely:—

"(22A) any income of a hospital or other institution for the reception and treatment of persons suffering from illness or mental defectiveness or for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation, existing solely for philanthropic purposes and not for purposes of profit."

5. *Amendment of section 11.*—In section 11 of the Income-tax Act,—

(a) in sub-section (1),—

(i) in clause (a), the words "and, where any such income is accumulated for application to such purposes in India, to the extent to which the income so accumulated is not in excess of twenty-five per cent. of the income from the property or rupees ten thousand, whichever is higher;" shall be omitted with effect from the 1st day of April, 1971;

(ii) in clause (b), the words "and where any such income is finally set apart for application to such purposes in India, to the extent to which the income so set apart is not in excess of twenty-five per cent. of the income from the property held under trust in part;" shall be omitted with effect from the 1st day of April, 1971;

(iii) for the Explanation, the following Explanation shall be substituted with effect from the 1st day of April, 1971, namely:—

"*Explanation.*—From the purposes of clauses (a) and (b), if in the previous year, the income applied to charitable or religious purposes in India falls short of the income derived during that year from property held under trust, or, as the case may be, held under trust in part, by any amount, so much of the income applied to such purposes in India during the period of three months immediately following the previous year as does not exceed the said amount may, at the option of the person in receipt of the income [such option to be exercised in writing before the expiry of the time allowed under sub-section (1) or sub-section (2) of section 139, whether fixed originally or on extension, for furnishing the return of income], be deemed to be income applied to such purposes

during the previous year, and the income so deemed to have been applied shall not be taken into account in calculating the amount of income applied to such purposes during the immediately following previous year.”;

(b) for sub-section (2), the following sub-section shall be substituted with effect from 1st day of April, 1971, namely :—

“(2) Where any income referred to in clause (a) or clause (b) of sub-section (1) read with the Explanation to that sub-section is not applied or is not deemed to have been applied to charitable or religious purposes in India during the previous year but is accumulated, or finally set apart, for application to such purposes in India, such income shall not be included in the total income of the previous year of the person in receipt of the income provided the following conditions are complied with, namely :—

(a) such person specifies, by notice in writing given to the Income-tax Officer in the prescribed manner, the purpose for which the income is being accumulated or set apart and the period for which the income is to be accumulated or set apart, which shall in no case exceed ten years .

(b) the money so accumulated or set apart is—

(i) invested in any Government security as defined in clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944), or in any other security which may be approved by the Central Government in this behalf, or

(ii) deposited in any account with the Post Office Savings Bank (including deposits made under the Post Office (Time Deposits) Rules, 1970) or a banking company to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act) or a co-operative society engaged in carrying on the business of banking (including a co-operative and mortgage bank or a co-operative land development bank), or

(iii) deposited in an account with a financial corporation which is engaged in providing long-term finance for industrial development in India and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 86.” ;

(c) for sub-section (2), the following sub-section shall be substituted with effect from the 1st day of April, 1971, namely :—

“(3) Any income referred to in sub-section (2) which—

(a) is applied to purposes other than charitable or religious purposes as aforesaid or ceases to be accumulated or set apart for application thereto, or

(b) ceases to remain invested in any security referred to in sub-clause (i) or deposited in any account referred to in sub-clause (ii) or sub-clause (iii) of clause (b) of that sub-section, or

(c) is not utilised for the purpose for which it is so accumulated or set apart during the period referred to in clause (a) of that sub-section or in the year immediately following the expiry thereof, shall be deemed to be the income of such person of the previous year in which it is applied or ceases to be so accumulated or set apart or ceases to remain so invested or deposited or, as the case may be of the previous year immediately following the expiry of the period aforesaid.” ;

(d) in sub-section (4), the words brackets and figure “and accordingly chargeable to tax within the meaning of sub-section (3)” shall be omitted with effect from the 1st day of April, 1971.

6. *Substitution of new section for section 13.*—For section 13 of the

Income-tax Act, the following section be substituted with effect from the 1st day of April, 1971, namely :—

'13. *Section 11 not to apply in certain cases.*—(1) Nothing contained in section 11 shall operate so as to exclude from the total income of the previous year of the person in receipt thereof—

(a) any part of the income from the property held under a trust for private religious purposes which does not enure for the benefit of the public ;

(b) in the case of a trust for charitable purposes or a charitable institution created or established after the commencement of this Act, any income thereof if the trust or institution is created or established for the benefit of any particular religious community or caste ;

(c) in the case of a trust for charitable or religious purposes or a charitable or religious institution, any income thereof—

(i) if such trust or institution has been created or established after the commencement of this Act and under the terms of the trust or the rules governing the institution, any part of such income enures, or

(ii) if any part of such income or any property of the trust or institution (whenever created or established) is during the previous year used or applied,

directly or indirectly for the benefit of any person referred to in sub-section (3) :

Provided that in the case of a trust or institution created or established before the commencement of this Act, the provisions of sub-clause (ii) shall not apply to any use or application, whether directly or indirectly, of any part of such income or any property of the trust or institution for the benefit of any person referred to in sub-section (3), if such use or application is by way of compliance with a mandatory term of the trust or a mandatory rule governing the institution :

Provided further that in the case of a trust for religious purposes or a religious institution (whenever created or established) or a trust for charitable purposes or a charitable institution created or established before the commencement of this Act, the provisions of sub-clause (ii) shall not apply to any use or application, whether directly or indirectly, of any part of such income or any property of the trust or institution for the benefit of any person referred to in sub-section (3) in so far as such use or application relates to any period before the 1st day of June, 1970.

(2) Without prejudice to the generality of the provisions of clause (c) of sub-section (1), the income or the property of the trust or institution or any part of such income or property shall, for the purposes of that clause, be deemed to have been used or applied for the benefit of a person referred to in sub-section (3),—

(a) if any part of the income or property of the trust or institution is, or continues to be, lent to any person referred to in sub-section (3) for any period during the previous year without either adequate security or adequate interest or both ;

(b) if any land, building or other property of the trust or institution is, or continues to be, made available for the use of any person referred to in sub-section (3), for any period during the previous year without charging adequate rent or other compensation ;

(c) if any amount is paid by way of salary, allowance or otherwise during the previous year to any person referred to in sub-section (3) out

of the resources of the trust or institution for services rendered by that person to such trust or institution and the amount so paid is in excess of what may be reasonably paid for such services ;

(d) if the services of the trust or institution are made available to any person referred to in sub-section (3) during the previous year without adequate remuneration or other compensation ;

(e) if any share, security or other property is purchased by or on behalf of the trust or institution from any person referred to in sub-section (3) during the previous year for consideration which is more than adequate ;

(f) if any share, security or other property is sold by or on behalf of the trust or institution to any person referred to in sub-section (3) during the previous year for consideration which is less than adequate ;

(g) if a substantial portion of the income or property of the trust or institution is diverted during the previous year in favour of any person referred to in sub-section (3) ; or

(h) if any funds of the trust or institution are, or continue to remain, invested for any period during the previous year (not being a period before the 1st day of January, 1971) in any concern in which any person referred to in sub-section (3) has a substantial interest.

(3) The persons referred to in clause (c) of sub-section (1) and sub-section (2) are the following, namely :—

(a) the author of the trust or the founder of the institution ;

(b) any person who has made a substantial contribution to the trust or institution ;

(c) where such author, founder or person is a Hindu undivided family, a member of the family ;

(d) any relative of any such author, founder, person or member as aforesaid ;

(e) any concern in which any of the persons referred to in clauses (a), (b), (c) and (d) has a substantial interest.

(4) Notwithstanding anything contained in clause (c) of sub-section (1), in a case where the aggregate of the funds of the trust or institution invested in a concern in which any person referred to in sub-section (3) has a substantial interest, does not exceed five per cent of the capital of that concern, the exemption under section 11 shall not be denied in relation to any income other than the income arising to the trust or the institution from such investment, by reason only that the moneys of the trust or the institution have been invested in a concern in which such person has a substantial interest.

Explanation 1.—For the purposes of sections 11 and 12 and this section, “trust” includes any other legal obligation and, for the purposes of this section “relative” also includes a lineal descendant of a brother or sister.

Explanation 2.—A trust or institution created or established for the benefit of Scheduled Castes, backward classes, Scheduled Tribes or women and children shall not be deemed to be a trust or institution created or established for the benefit of a religious community or caste within the meaning of clause (b) of sub-section (1).

Explanation 3.—For the purposes of this section, a person shall be deemed to have a substantial interest in a concern,—

(i) in a case where the concern is a company, if its shares (not being shares entitled to a fixed rate of dividend whether with or without a

further right to participate in profits) carrying not less than twenty per cent. of the voting power are, at any time during the previous year, owned beneficially by such person or partly by such person and partly by one or more of the other persons referred to in sub-section (3);

(ii) in the case of any other concern, if such person is entitled, or such person and one or more of the other persons referred to in sub-section (3) are entitled in the aggregate, at any time during the previous year, to not less than twenty per cent of the profits of such concern.

7. Amendment of section 16.—In section 16 of the Income-tax Act, for clause (iv), the following clause shall be substituted with effect from the 1st day of April, 1971, namely:—

“(iv) where the assessee is not in receipt of a conveyance allowance, whether as such or as part of his salary, in respect of expenditure on travelling for the purposes of his employment, a sum calculated in respect of each calendar month or part thereof comprised in the period of his employment during the previous year, on the basis provided hereunder, namely:—

- (a) where the assessee owns a motor car which is used for the purposes of his employment Rs. 200;
- (b) where the assessee owns a motor cycle, sector or other moped which is used for the purposes of his employment Rs. 60;
- (c) in any other case Rs. 35;”

8. Amendment of section 35B.—In section 35B of the Income-tax Act, in sub-section (1), for sub-clause (iii) of clause (b), the following sub-clause shall be and shall be deemed always to have been, substituted, namely:—

“(iii) distribution, supply or provision outside India of such goods, services or facilities, not being expenditure incurred in India in connection therewith or expenditure (wherever, incurred) on the carriage of such goods to their destination outside India or on the insurance of such goods while in transit;”

9. Amendment of section 36.—In section 36 of the Income-tax Act, in clause (viii) of sub-section (1), the following *Explanation* shall be deemed to have been inserted at the end with effect from the 1st day of April, 1966, namely:—

“*Explanation*—For the removal of doubts, it is hereby declared that in the case of a financial corporation to which sub-clause (a) applies, if the amount carried to the reserve account referred to in this clause in the accounts of the previous relevant to the assessment year commencing on the 1st day of April, 1966, falls short of twenty-five per cent. of the total income and the amount transferred to such reserve account in the accounts of the immediately succeeding previous year exceeds the amount in respect of which the corporation is entitled to the deduction under this clause for the assessment year commencing on the 1st day of April, 1967, an amount equal to such excess shall, for the purpose of allowing the deduction under this clause, be deemed to have been transferred to the reserve account in the accounts of the first-mentioned previous year;”

10. Amendment of section 37.—In section 37 of the Income-tax Act,—

(a) in the *Explanation* to sub-section (2A), for the words “For the purposes of this sub-section”, the words, brackets, figure and letter “For the purposes of this sub-section and sub-section (2B)” shall be substituted;

(b) after sub-section (2A), the following sub-section shall be inserted, namely :—

“(2B) Notwithstanding anything contained in this section, no allowance shall be made in respect of expenditure in the nature of entertainment expenditure incurred within India by any assessee after the 28th day of February, 1970.”;

(c) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) Notwithstanding anything contained in sub-section (1) or sub-section (3),—

(i) no allowance shall be made in respect of and expenditure incurred by the assessee after the 28th day of February, 1970, on the maintenance of any residential accommodation in the nature of a guest house (such residential accommodation being hereafter in this sub-section referred to as “guest house”);

(ii) in relation to the assessment year commencing on the 1st day of April, 1971, or any subsequent assessment year no allowance shall be made in respect of depreciation of any building used as a guest house or depreciation of any assets in a guest house :

Provided that the aggregate of the expenditure referred to in clause (i) and the amount of any depreciation referred to in clause (ii) shall, for the purposes of this sub-section, be reduced by the amount, if any, received from persons using the guest house :

Provided further that nothing in this sub-section shall apply in relation to any guest house maintained as a holiday home if such guest house—

(a) is maintained by an assessee who has throughout the previous year employed not less than one hundred whole time employees in a business or profession carried on by him ; and

(b) is intended for the exclusive use of such employees while on leave.

Explanation.—For the purposes of this sub-section,—

(i) residential accommodation in the nature of a guest house shall include accommodation hired or reserved by the assessee in a hotel for a period exceeding one hundred and eighty-two days during the previous year; and

(ii) the expenditure incurred on the maintenance of a guest house shall, in a case where the residential accommodation has been hired by the assessee, include also the rent paid in respect of such accommodation.

11. *Amendment of Chapter IV-E relating to capital gains.*—In Chapter IV-E of the Income-tax Act,—

(a) in section 45, for the words and figures “sections 53 and 54”, the words, figures and letter “sections 53, 54 and 54B” shall be substituted;

(b) in section 47, after clause (vii), the following clause shall be inserted, namely:—

“(viii) any transfer of agricultural land in India effected before the 1st day of March, 1970.”;

(c) after section 54A, the following section shall be inserted, namely:—

“54B. *Capital gain on transfer of land used for agricultural purposes not to be charged in certain cases.*—Where the capital gain arises from the transfer of a capital asset being land which, in the two years immediately preceding the date on which the transfer took place, was being used by the assessee or a parent of his for agricultural purposes, and the assessee has, within a period of two years after that date, purchased any

other land for being used for agricultural purposes, then instead of the capital gain being charged to income-tax as income of the previous year in which the transfer took place, it shall be dealt within accordance with the following provisions of this section, that is to say,—

(i) if the amount of the capital gain is greater than the cost of the land so purchased (hereinafter referred to as the new asset); the difference between the amount of the capital gain and the cost of the new asset shall be charged under section 45 as the income of the previous year; and for the purpose of computing in respect of the new asset any capital gain arising from its transfer within a period of three years of its purchase, the cost shall be nil; or

(ii) if the amount of the capital gain is equal to or less than the cost of the new asset, the capital gain shall not be charged under section 45; and for the purpose of computing in respect of the new asset any capital gain arising from its transfer within a period of three years of its purchase, the cost shall be reduced by the amount of the capital gain.”

12. *Amendment of section 80C.*—In section 80C of the Income-tax Act—

(a) in sub-section (2), after clause (f), the following clause shall be inserted with effect from the 1st day of April, 1971, namely:—

“(g) where the assessee is an association of persons or a body of individuals consisting only of husband and wife governed by the system of community of property in force in the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu—

(i) any sums paid in the previous year by the assessee out of its income chargeable to tax—

(1) to effect or to keep in force an insurance on the life of any member of such association or body or on the life of any child of any of the members of such association or body; or

(2) to effect or to keep in force a contract for a deferred annuity on the life of any member of such association or body or any child of any of the members of such association or body, notwithstanding that such contract contains a provision for the exercise by the insured of an option to receive a cash payment in lieu of the payment of the annuity; or

(3) as a contribution to any provident fund referred to sub clause (iv) of clause (a);

(ii) any sums deposited in the previous year by such association or body out of its income chargeable to tax in a 10-year account or a 15-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959 as amended from time to time”;

(b) in sub-section (3), for the words, brackets and letters “clauses (a) and (b)”, the words, brackets and letters, “clauses (a), (b) and (g)” shall be substituted with effect from the 1st day of April, 1971;

(c) in sub-section (4), after clause (iii), the following clause shall be inserted with effect from the 1st day of April, 1971, namely:—

“(iv) in the case of an association of persons or a body of individuals referred to in clause (g) of sub-section (2), thirty per cent. of the gross total income of such association or body, or fifteen thousand rupees, whichever is less.”

13. *Amendment of section 80G.*—In section 80G of the Income-tax Act,—

(a) in clause (1) of sub-section (5), after the word, brackets and figures “clause (22)”, the words, brackets, figures and letter “or clause (22A)” shall be inserted;

(b) for Explanation 2, the following Explanation shall be substituted with effect from the 1st day of April, 1971, namely :—

“Explanation. 2—For the removal of doubts, it is hereby declared that a deduction to which the assessee is entitled in respect of any donation made to an institution or fund to which sub-section (5) applies shall not be denied merely on either or both of the following grounds, namely :—

(i) that, subsequent to the donation, any part of the income of the institution or fund has become chargeable to tax due to non-compliance with any of the provisions of section 11;

(ii) that, under clause (c) of sub-section (1) of section 13, the exemption under section 11 is denied to the institution or fund in relation to any income arising to it from any investment referred to in clause (h) of sub-section (2) of section 13 where the aggregate of the funds invested by it in a concern referred to in the said clause (h) does not exceed five per cent of the capital of that concern.”.

14. *Substitution of new section for section 80L.*—For section 80L of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1971, namely :—

“80L. Deductions in respect of interest on certain securities, dividends etc.—(1) Where the gross total income of an assessee includes any income by way of—

(i) interest on any security of the Central Government or a State Government (not being interest payable under section 280D in respect of any annuity deposit made under Chapter XXIIA);

(ii) interest on such debentures, issued by any co-operative society (including a co-operative land mortgage bank or a co-operative land development bank) or any other institution or authority, as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(iii) interest on deposits under any scheme framed by the Central Government and notified by it in this behalf in the Official Gazette;

(iv) dividends from any Indian company;

(v) income received in respect of units from the Unit Trust of India established under the Unit Trust of India Act, 1963; (52 of 1963).

(vi) interest on deposits with a banking company to which the Banking Regulation Act, 1949, (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act) or a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank); or

(vii) interest on deposits with a financial corporation which is engaged in providing long-term finance for industrial development in India and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36,

there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee a deduction as specified hereunder, namely :—

(a) in a case where the amount of such income does not exceed in the aggregate three thousand rupees, the whole of such amount; and

(b) in any other case, three thousand rupees.

(2) In a case where the assessee is entitled also to the deduction under section 80K in relation to the whole or any part of the income by way of dividends referred to in clause (iv) of sub-section (1), only so much of such income by way of dividends as may remain after the

deduction under section 80K shall be taken into account for the purpose of allowing the deduction under sub-section (1)."

15. *Amendment of section 80M.*—In section 80M of the Income-tax Act, for sub-section (2), the following sub-section shall be substituted with effect from the 1st day of April, 1971, namely :—

"(2) Where a company to which this section applies is entitled also to the deduction in respect of income by way of dividends under section 80K or section 80L, the deduction under sub-section (1) shall be allowed in respect of income by way of dividends referred to therein as reduced by the aggregate of the deductions, if any, in respect of income by way of dividends under section 80K and section 80L.

Explanation.—For the purposes of this section, the deduction in respect of income by way of dividends under section 80L shall be taken to be so much of the amount of the deduction under that section as may be in excess of the aggregate of the items of income referred to in clauses (i), (ii), (iii), (v), (vi) and (vii) of sub-section (1) of that section."

16. *Amendment of section 80MM.*—In section 80MM of the Income-tax Act, in sub-section (1), for the portion beginning with the words "under an agreement" and ending with the words "total income of the assessee", the following shall be substituted, namely :—

"under an agreement entered into by the assessee with such person on or after the 1st day of April, 1969 and approved by the Central Government in this behalf, there shall be allowed a deduction from such income of an amount equal to forty per cent. thereof, in computing the total income of the assessee :

Provided that the application for such approval is made to the Central Government before the 1st day of October of the relevant assessment year."

17. *Amendment of section 116.*—In section 116 of the Income-tax Act, for clause (c), the following clause shall be substituted, namely :—

"(c) Commissioners of Income-tax and Additional Commissioners of Income-tax,"

18. *Amendment of section 117.*—In section 117 of the Income-tax Act, in sub-section (1), after the words "Directors Inspection, Commissioners of Income-tax," the words "Additional Commissioners of Income-tax," shall be inserted.

19. *Substitution of new section for section 130.*—For section 130 of the Income-tax Act, the following section shall be substituted, namely :—

"130. *Commissioner competent to perform any function or functions.*—

(1) In respect of any function to be performed by a Commissioner under any provision of this Act in relation to an assessee, the Commissioner referred to therein shall,—

(a) in a case where only one Commissioner has jurisdiction over such assessee, be such Commissioner ;

(b) in a case where two or more Commissioners have concurrent jurisdiction over such assessee, be the Commissioner empowered to perform such function by the Board.

(2) Subject to the provisions of sub-section (1), for the purposes of section 253, 254, 256, 263 and 264, the Commissioner referred to therein shall, in relation to an assessee, be the Commissioner having for the time being jurisdiction over the assessee."

20. *Amendment of section 139.*—In section 139 of the Income-tax Act, after sub-section (4), the following sub-section shall be inserted with effect from the 1st day of April, 1971, namely :—

“(4A) Every person in receipt of income derived from property held under trust or other legal obligation wholly for charitable or religious purposes, or in part only for such purposes, shall, if the total income in respect of which he is assessable as a representative assessee [the total income for this purpose being computed under this Act without giving effect to the provisions of sub-section (1) of section 11] exceeds the maximum amount which is not chargeable to income-tax, furnish a return of such income of the previous year in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed and all the provisions of this Act shall, so far as may be, apply as if it were a return required to be furnished under sub-section (1).”

21. *Substitution of new section for section 164.*—For section 164 of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1971, namely:—

“164. *Charge of tax where share of beneficiaries unknown.*—(1) Subject to the provisions of sub-section (2) and (3), where any income in respect of which the persons mentioned in clauses (iii) and (iv) of sub-section (1) of section 160 are liable as representative assesses or any part thereof is not specifically receivable on behalf or for the benefit of any one person or where the individual shares of the persons on whose behalf or for whose benefit such income or such part thereof is receivable are indeterminate or unknown (such income, such part of the income and such persons being hereafter in this section referred to as “relevant income”, “part of relevant income” and “beneficiaries”, respectively), tax shall be charged—

(i) as if the relevant income or part of relevant income were the total income of an association of persons, or

(ii) at the rate of sixty-five per cent.,

whichever course would be more beneficial to the revenue :

Provided that in a case where—

(i) none of the beneficiaries has any other income chargeable under this Act; or

(ii) the relevant income or part of relevant income is receivable under a trust declared by will; or

(iii) the relevant income or part of relevant income is receivable under a trust created before the 1st day of March, 1970 by a non-testamentary instrument and the Income-tax Officer is satisfied, having regard to all the circumstances existing at the relevant time, that the trust was created *bona fide* exclusively for the benefit of the relatives of the settlor, or where the settlor is a Hindu undivided family, exclusively for the benefit of the members of such family, in circumstances where such relatives or members were mainly dependent on the settlor for their support and maintenance ; or

(iv) the relevant income is receivable by the trustees on behalf of a provident fund, superannuation fund, gratuity fund, pension fund or any other fund created *bona fide* by a person carrying on a business or profession exclusively for the benefit of persons employed in such business or profession,

tax shall be charged as if the relevant income or part of relevant income were the total income of an association of persons.

(2) In the case of relevant income which is derived from property held under trust wholly for charitable, or religious purposes, tax shall be charged on so much of the relevant income as is not exempt under section 11, as if the relevant income not so exempt were the income

of an association of persons.

(3) In a case where the relevant income is derived from property held under trust in part only for charitable or religious purposes and either the relevant income applicable to purposes other than charitable or religious purposes (or any part thereof) is not specifically receivable on behalf of any one person or the individual shares of the beneficiaries in the income so applicable are indeterminate or unknown, the tax chargeable on the relevant income shall be either—

(a) the tax which be chargeable if the whole of the relevant income (as reduced by the income, if any, which is exempt under section 11) were the total income of an association of persons ; or

(b) the aggregate of—

(i) the tax which would be chargeable on that part of the relevant income which is applicable to charitable or religious purposes (as reduced by the income, if any, which is exempt under section 11) as if such part (or such part as so reduced) were the total income of an association of persons; and

(ii) the tax on that part of the relevant income which is applicable to purposes other than charitable or religious purposes, and in respect of which the shares of the beneficiaries are indeterminate or unknown, at the rate of sixtyfive per cent.

whichever course would be more beneficial to the revenue :

Provided that in a case where—

(i) none of the beneficiaries of the part of the relevant income which is not applicable to charitable or religious purposes has any other income chargeable under this Act; or

(ii) the relevant income is receivable under a trust declared by will; or

(iii) the relevant income is receivable under a trust created before the 1st day of March, 1970, by a non-testamentary instrument and the Income-tax Officer is satisfied, having regard to all the circumstances existing at the relevant time, that the trust, to the extent it is not for charitable or religious purposes, was created *bona fide* exclusively for the benefit of the relatives of the settlor, or where the settlor is a Hindu undivided family, exclusively for the benefit of the members of such family in circumstances where such relatives or members were mainly dependent on the settlor for their support and maintenance, tax shall be charged as if the relevant income (as reduced by the income, if any, which is exempt under section 11) were the total income of an association of persons.

22. *Amendment of section 193.*—In section 193 of the Income-tax Act, in the proviso, after clause (ii), the following clauses shall be inserted, namely :—

“(iia) any interest payable on 7-Year National Savings Certificates (IV Issue) ; or

(iib) any interest payable on such debentures, issued by any co-operative society (including a co-operative land mortgage bank or a co-operative land development bank) or any other institution or authority, as the Central Government may, by notification in the Official Gazette, specify in this behalf; or”.

23. *Amendment of section 194A* —In section 194A of the Income-tax Act, in sub-section (3), after clause (v), the following clauses shall be inserted; namely :—

“(vi) to such income credited or paid in respect of deposits under any scheme framed by the Central Government and notified by it in this behalf in the Official Gazette;

(vii) to such income credited or paid in respect of deposits with a banking company to which the Banking Regulation Act, 1949, (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act), or with a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank) ”.

24. *Amendment of section 195.*—In section 195 of the Income-tax Act, after sub-section (2), the following sub-sections shall be inserted, namely :—

“(3) Subject to rules made under sub-section (5), any person entitled to receive any interest or other sum on which income-tax has to be deducted under sub-section (1) may make an application in the prescribed form to the Income-tax Officer for the grant of a certificate authorising him to receive such interest or other sum without deduction of tax under that sub-section and where any such certificate is granted, every person responsible for paying such interest or other sum to the person to whom such certificate is granted shall, so long as the certificate is in force, make payment of such interest or other sum without deducting tax thereon under sub-section (1).

(4) A certificate granted under sub-section (3) shall remain in force till the expiry of the period specified therein or, if it is cancelled by the Income-tax Officer before the expiry, of such period, till such cancellation.

(5) The Board may, having regard to the convenience of assesseees and the interests of revenue, by notification in the Official Gazette, make rules specifying the cases in which, and the circumstances under which, an application may be made for the grant of a certificate under sub-section (3) and the conditions subject to which such certificate may be granted and providing for all other matters connected therewith.”.

25. *Amendment of section 212.*—In section 212 of the Income tax Act, to sub-section (3A), the following proviso shall be added, namely :—

“Provided that in a case where the Commissioner is satisfied that, having regard to the nature of the business carried on by the assessee and the date of expiry of the previous year in respect of such business, it will be difficult for the assessee to furnish the estimate required to be furnished by him in accordance with the provisions of this sub-section before the date on which the last instalment of advance tax is due in his case, he may, if the assessee pays the advance tax demanded from him under section 210 before such date, extend the date for furnishing such estimate up to a period of thirty days immediately following the last date of the previous year in respect of that business, and where the date is so extended, the assessee shall pay, on or before the date as so extended, the amount by which the amount of advance tax already paid by him falls short of the advance tax payable in accordance with his estimate.”.

CHAPTER IV

Other Direct Taxes

26. *Amendment of Act 27 of 1957.*—In the Wealth-tax Act, 1957,—

(a) in section 2, to sub-clause (2) of clause (e), the following proviso shall be added and shall be deemed to have been added with effect from the 1st day of April, 1969, namely :—

“Provided that, in relation to the State of Jammu and Kashmir, this sub-clause shall have effect subject to the modification that for the assets specified in items (i) to (iii) of this sub-clause, the assets

specified in items (i) to (v) of sub-clause (1) shall be substituted and the other provisions of this Act shall be construed accordingly;";

(b) in section 5,—

(i) in sub-section (1),—

(1) for the words 'Wealth-tax shall not be payable by an assessee in respect of the following assets', the words, brackets, figure and letter "Subject to the provisions of sub-section (1A), wealth tax shall not be payable by an assessee in respect of the following assets" shall be substituted with effect from the 1st day of April, 1971;

(2) for clause (iv), the following clause shall be substituted with effect from the 1st day of April, 1971, namely :—

"(iv) one house or part of a house belonging to the assessee and exclusively used by him for residential purposes :

Provided that, where the value of such house or part exceeds one hundred thousand rupees, the amount that shall not be included in the net wealth of the assessee under this clause shall be one hundred thousand rupees;";

(3) after clause (iva), the following clause shall be inserted with effect from the 1st day of April, 1971, namely :—

"(ivb) one building or one group of buildings owned by a cultivator of or receiver of rent or revenue out of, agricultural land :

Provided that such building or group of buildings is on or in the immediate vicinity of the land and is required by the cultivator or the receiver of rent or revenue, by reason of his connection with the land, as dwelling house, store-house or outhouse;";

(4) in clause (xv), for the words "fixed deposits", the word "deposits" shall be substituted with effect from the 1st day of April, 1971 ;

(5) after clause (xxi), the following clauses shall be inserted with effect from the 1st day of April, 1971, namely :—

"(xxii) any security of the Central Government or a State Government (not being a security referred to in clause (xvi) or clause (xvii));

(xxiii) any shares [not being shares referred to in clause (xx)] held by the assessee in any Indian company where the assessee is an individual or a Hindu undivided family ;

(xxiv) such debentures, issued by any co-operative society (including a co-operative land mortgage bank or a co-operative land development bank) or any other institution or authority, as the Central Government may, by notification in the Official Gazette, specify in this behalf :

(xxv) units in the Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963) ;

(xxvi) any deposits with a banking company to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act), or with a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank) ;

(xxvii) any deposits with a financial corporation which is engaged in providing long-term finance for industrial development in India and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36 of the Income-tax Act.";

(ii) after sub-section (1), the following sub-section shall be inserted with effect from the 1st day of April, 1971, namely :—

"(1A) Nothing contained in sub-section (1) shall operate to exclude from the net wealth of the assessee any assets referred to in clauses (xv), (xvi), (xxii), (xxiii), (xxiv), (xxv), (xxvi) and (xxvii) [not being deposits under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959], to the extent the value thereof exceeds in the aggregate, a sum of one hundred and fifty thousand rupees ;

Provided that where the assets include any assets referred to in clause (xv) or clause (xvi) (not being deposits under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959] which have been held by the assessee continuously from a date prior to the 1st day of March, 1970 and the value of the assets so included exceeds the limit of one hundred and fifty thousand rupees by any amount, such limit shall be raised by the said amount."

(iii) in sub section (3), for the words, brackets and figures "clause (xvi) and clause (xix)" the words, brackets and figures "clauses (xv), (xvi), (xix), (xxii), (xxiii), (xxiv), (xxv), (xxvi)" and (xxvii) shall be substituted with effect from the 1st day of April 1971 ;

(c) after section 11A, the following section shall be inserted, namely :—

"11AA. *Commissioner competent to perform any function or functions.*

—In respect of any function to be performed by a Commissioner under any provision of this Act in relation to an assessee, the Commissioner referred to therein shall,—

(a) in a case where only one Commissioner has jurisdiction over such assessee, be such Commissioner ;

(b) in a case where two or more Commissioners have concurrent jurisdiction over such assessee, be the Commissioner empowered to, perform such function by the Board" ;

(d) in section 14, to sub-section (1), the following proviso shall be added, namely :—

"Provided that in the case of a person whose net wealth or the net wealth of any other person in respect of which he is assessable under this Act includes the value of any assets held in a business or profession and the time (whether fixed originally or on extension) for furnishing the return of his total income or, as the case may be, of the total income of the other person aforesaid for the said assessment year under sub-section (1) or sub-section (2) or sub-section (3) of section 139 of the Income-tax Act, expires on or after the 30th day of June aforesaid, the return in respect of such net wealth for the assessment year may be furnished before the expiry of the time for furnishing such return of income" ;

(e) in section 21, for sub-section (4), the following sub-section shall be substituted with effect from the 1st day of April, 1971, namely :—

"(4) Notwithstanding anything contained in this section, where the shares of the persons on whose behalf or for whose benefit any such assets are held are indeterminate or unknown, the wealth tax shall be levied upon and recovered from the court of wards administrator-general, official trustee, receiver, manager, or other person aforesaid as if the persons on whose behalf or for whose benefit the assets are held were an individual who is a citizen of India and resident in India for the purposes of this Act, and—

(a) at the rates specified in Part I of the Schedule in the case of an individual; or

(b) at the rate of one and one-half per cent., whichever course would be more beneficial to the revenue.

Provided that in a case where—

(i) such assets are held under a trust declared by will; or
 (ii) such assets are held under a trust created before the 1st day of March, 1970, by a non-testamentary instrument and the Wealth-tax Officer is satisfied, having regard to all the circumstances existing at the relevant time, that the trust was created *bona fide* exclusively for the benefit of the relatives of the settlor or where the settlor is a Hindu undivided family, exclusively for the benefit of the members of such family, in circumstances where such relatives or members were mainly dependent on the settlor for their support and maintenance; or
 (ii) such assets are held by the trustees on behalf of a provident fund, superannuation fund, gratuity fund, pension fund or any other fund created *bona fide* by a person carrying on a business or profession exclusively for the benefit of persons employed in such business or profession,
 wealth-tax shall be charged at the rates specified in Part I of the Schedule in the case of an individual.”;

(f) in the Schedule,—

(i) for Part I, the following Part shall be substituted with effect from the 1st day of April, 1971, namely :—

PART I

Paragraph A

(1) In the case of every individual:—

Rate of tax

- | | |
|--|--|
| (a) where the net wealth does not exceed Rs. 1,00,000 | Nil, |
| (b) where the net wealth exceeds Rs. 1,00,000 but does not exceed Rs. 5,00,000 | 1 per cent. of the amount by which the net wealth exceeds Rs. 1,00,000; |
| (c) where the net wealth exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 4,000 plus 2 per cent of the amount by which the net wealth exceeds Rs. 5,00,000; |
| (d) where the net wealth exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000 | Rs. 14,000 plus 3 per cent of the amount by which the net wealth exceeds Rs. 10,00,000; |
| (e) where the net wealth exceeds Rs. 15,00,000 but does not exceed Rs. 20,00,000 | Rs. 29,000 plus 4 per cent of the amount by which the net wealth exceeds Rs. 15,00,000 ; |
| (f) where the net wealth exceeds Rs. 20,00,000 | Rs. 49,000 plus 5 per cent of the amount by which the net wealth exceeds Rs. 20,00,000. |

(2) In the case of every Hindu undivided family.—

Rate of tax

- | | |
|--|--|
| (a) where the net wealth does not exceed Rs. 2,00,000 | Nil; |
| (b) where the net wealth exceeds Rs. 2,00,000 but does not exceed Rs. 5,00,000 | 1 per cent. of the amount by which the net wealth exceeds Rs. 2,00,000; |
| (c) where the net wealth exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 3,000 plus 2 per cent. of the amount by which the net wealth exceeds Rs. 5,00,000; |
| (d) where the net wealth exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000 | Rs. 13,000 plus 3 per cent. of the amount by which the net wealth exceeds Rs. 10,00,000; |

- (e) where the net wealth exceeds Rs. 28,000 plus 4 per cent. of the Rs. 15,00,000 but does not exceed amount by which the net wealth exceeds Rs. 15,00,000;
 (f) where the net wealth exceeds Rs. 48,000 plus 5 per cent. of the Rs. 20,00,000 amount by which the net wealth exceeds Rs. 20,00,000

(3) In addition, in the case of every individual and Hindu undivided family, where the net wealth of the individual or Hindu undivided family includes the value of any asset, being building or land (other than business premises) or any right in such building or land, situated in an urban area (such asset being hereafter in this Part referred to as urban asset:—

RATE OF TAX

- (a) where the total value of urban assets Nil;
 determined in accordance with the rules in Paragraph B does not exceed Rs. 5,00,000
 (b) where the total value of urban assets 5 per cent. of the amount determined in accordance with the by which such total rules in paragraph B exceeds Rs. value exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000
 (c) where the total value of urban assets Rs. 000 plus 7 per cent, of the amount by which the rules in Paragraph B exceeds Rs. such total value exceeds Rs. 10,00,000.

PARAGRAPH B

Rule 1.—In this part, —

(i) "business premises" means any building or land or part of such building or land or any right in building or land or part thereof, owned by the assessee and used throughout the previous year for the purposes of his business or profession, and includes any building used for the purpose of residence of persons employed in the business or any building used for the welfare of such persons as a hospital, creche, school, canteen, library, recreational centre, shelter, rest-room or lunch-room, but does not include any premises in the nature of a guest house;

(ii) "previous year", in relation to a business or profession, means the period which would be the previous year if an assessment of the profits and gains of such business or profession were to be made under the Income-tax Act for the assessment year;

(iii) "urban area" means,—

(a) any area which is comprised within the jurisdiction of a municipality (whether known as a municipality, municipal corporation, notified area committee, town area committee, town committee or by any other name) or a cantonment board and which has a population of not less than ten thousand according to the last preceding census of which the relevant figures have been published before the valuation date; or

(b) any area within such distance, not being more than eight kilometers, from the local limits or any municipality or cantonment board referred to in sub-clause (a), as the Central Government may, having regard to the extent of, and scope for, urbanisation of that area and other relevant considerations, specify in this behalf by notification in the Official Gazette.

Rule 2.—In determining, for the purposes of item (3) of Paragraph A, the value of any urban asset,—

(a) any debt (whether secured or not) incurred for the purpose of acquiring, improving, constructing, repairing, renewing or reconstructing such asset shall be deducted from the gross value of such asset;

(b) other debts which are deductible in computing the net wealth shall be deducted from the gross value of such asset [as reduced by the debts, if any, under clause (a)] only if, and to the extent that, such debts exceed the aggregate gross value of assets other than urban assets.

Rule 3.—Where the net wealth of the assessee includes the value of his interest as a partner in a firm or as a member of an association of persons and the assets of such firm or association include any urban assets, then, notwithstanding anything contained in the Indian Partnership Act, 1932, (9 of 1932) or in any other law for the time being in force, the interest of the assessee in such firm or association, to the extent specified in the Explanation below, shall be deemed to be an urban asset and the provisions of item (3) of Paragraph A shall apply accordingly.

Explanation—The extent of the interest of the assessee in a firm or association deemed to be an urban asset as aforesaid shall be a sum which bears to the value of the whole of the interest of the assessee in the firm or association the same proportion which the net value of the urban assets of the firm or association (determined under rule 2 as if they were urban assets belonging to an individual or a Hindu undivided family) bears to the wealth of the firm or, as the case may be, the association, computed as if such firm or association were an individual.

Rule 4—Where the net wealth of the assessee includes the value of any share (not being a share issued for full cash consideration where the holder of the share is not entitled, in the event of liquidation, to participate in the surplus assets) in a company which is not a company in which the public are substantially interested (within the meaning of clause (18) of section 2 of the Income-tax Act) and the assets of such company include any urban assets, then, notwithstanding anything contained in the Companies Act, 1953, (1 of 1956) or in any other law for the time being in force, the value of such share, to the extent specified in the Explanation below, shall be deemed to be an urban asset and the provisions of item (3) of Paragraph A shall apply accordingly.

Explanation.—The extent to which the value of the share in a company is to be deemed to be an urban asset as aforesaid shall be a sum which bears to the value of such share the same proportion which the net value of the urban assets of the company (determined under rule 2 as if they were urban assets belonging to an individual or a Hindu undivided family) bears to the net wealth of the company.”;

(ii) Rule 2 appearing after Part II shall be omitted and shall be deemed to have been omitted with effect from the 1st day of April, 1969.

27. Amendment of Act 18 of 1958—In the Gift-tax Act, 1958,—

(a) in sub-section (2) of section 5, for the words “ten thousand”, the words “five thousand” shall be substituted with effect from the 1st day of April, 1971 ;

(b) section 11A shall be re-numbered as section 11AA, and before the section as so re-numbered, the following section shall be inserted, namely :—

“11A. *Commissioner competent to perform any function or functions*—In respect of any function to be performed by a Commissioner under any provision of this Act, in relation to an assessee, the Commissioner referred to therein shall,—

(a) in a case where only one Commissioner has jurisdiction over such assessee, be such Commissioner;

(b) in a case where two or more Commissioners have concurrent jurisdiction over such assessee, be the Commissioner empowered to perform such function by the Board ”;

(c) for the Schedule, the following Schedule, shall be substituted with effect from the 1st day of April, 1971, namely :—

“THE SCHEDULE

(See section 3)

Rates of Gift-tax

(1) Where the value of all taxable gifts does not exceed Rs. 20,000 5 per cent. of the value of such gifts ;

(2) where the value of all taxable gifts exceeds Rs. 20,000 but does not exceed Rs. 50,000 Rs. 1,000 plus 10 per cent. of the amount by which the value of such gifts exceed Rs. 50,000;

(3) where the value of all taxable gifts exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 4,000 plus 15 per cent. of the amount by which the value of such gifts exceeds Rs. 50,000;

(4) where the value of all taxable gifts exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000 Rs. 11,500 plus 20 per cent. of the amount by which the value of such gifts exceeds Rs. 1,00,000 ;

(5) where the value of all taxable gifts exceeds Rs. 2,00,000 but does not exceed Rs. 5,00,000 Rs. 31,500 plus 25 per cent. of the amount by which the value of such gifts exceeds Rs. 2,00,000 ;

(6) where the value of all taxable gifts exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 Rs. 106,500 plus 30 per cent. of the amount by which the value of such gifts exceeds Rs. 5,00,000 ;

(7) where the value of all taxable gifts exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000 Rs. 2,56,500 plus 40 per cent. of the amount by which the value of such gifts exceeds Rs. 10,00,000 ;

(8) where the value of all taxable gifts exceeds Rs. 15,00,000 but does not exceed Rs. 20,00,000 Rs. 4,56,500 plus 50 per cent. of the amount by which the value of such gifts exceeds Rs. 15,00,000 ;

(9) where the value of all taxable gifts exceeds Rs. 20,00,000 Rs. 7,06,500 plus 75 per cent. of the amount by which the value of such gifts exceeds Rs. 20,00,000 ”

CHAPTER V

Indirect Taxes

28. *Amendment of Act 32 of 1934.*—The Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act) shall be amended in the manner specified in the Second Schedule.

29. *Special duties of customs.*—(1) In the case of goods chargeable with a duty of customs which is specified in the First Schedule to the Tariff Act, or in that Schedule as amended by this Act or a subsequent Central Act, if any, or in that Schedule read with any notification of the Central Government for the time being in force, there shall be levied and collected as an addition to, and in the same manner as, the total amount so chargeable, a special duty of customs equal to ten per cent. of such amount ;

Provided that in computing the total amount so chargeable, any duty chargeable under section 2A of the Tariff Act or section 30 of this

Act shall not be included.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1971, except as respects things done or omitted to be done before such cesser ; and section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

30. *Regulatory duties of customs.*—(1) With a view to regulating or bringing greater economy in imports, there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Tariff Act, or in that Schedule as amended by this Act or a subsequent Central Act, if any, a regulatory duty of customs not exceeding—

(a) twenty-five per cent. of the rate, if any, specified in the said First Schedule read with any notification issued under section 3A, or sub-section (1) of section 4, of the Tariff Act ; or

(b) ten per cent. of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1962, (52 of 1962)

whichever is higher :

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of May, 1971, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act,

(3) The regulatory duty of customs leviable under this section in respect of any goods referred to in sub-section (1) shall be in addition to any other duty of customs chargeable on such goods under the Customs Act. (1962 52 of 1962).

(4) The provisions of the Customs Act, 1962, (52 of 1962) and the rules and regulations made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the regulatory duty of customs leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of customs on such goods under that Act or those rules and regulations.

(5) Every notification issued under sub section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

31. *Amendment of Act 1 of 1949.*—In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1970", the figures "1971" shall be substituted.

32. *Amendment of Act 1 of 1944.*—In the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act), in the First Schedule,—

(i) in Item No. 1, for the entries in the third column against sub-items (1) and (2), the entries "Thirty per cent ad valorem." and "Fifteen per cent. ad valorem" shall, respectively, be substituted;

(ii) for Item No. 1A, the following Item shall be substituted, namely :—

"1A. Confectionery, Cocoa Powder and Chocolates in or in Relation to the Manufacture of which any Process is Ordinarily

Carried on with the aid of Power, Name-ly :—

(1) Boiled sweets, toffees, caramels, candies, nuts (including almonds) and fruit kernels coated with sweetening agent, and chewing gums. Eighty paise per kilogram.

(2) Cocoa powder. Ten per cent. ad valorem.

(3) Drinking chocolates' chocolates in the form of granules or powder. Ten per cent. ad valorem.

(4) Chocolates in the form of blocks, slabs, tablets, bars, pastilles or croquettes or in any other form, not otherwise specified, whether or not containing nuts, fruit kernels or fruits. Eighty paise per kilogram.";

(iii) after Item No. IB, the following Items shall be inserted, namely :—

"IC Food Products in or in Relation to the Manufacture of which any Process is Ordinarily Carried on with the aid or Power, the Following, Namely :—

(1) Biscuits.

(2) Pasteurised butter.

(3) Pasteurised or processed cheese.

ID Aerated Waters, Whether or not Flavoured or Sweetend and Whether or not Containing Vegetable or fruit juice or fruit pulp. Ten per cent. ad valorem.

IE. Glucose and Dextrose. Ten per cent. ad valorem.";

(iv) for Item No. 2, the following Item shall be substituted, namely :—

2. Coffee—

(1) coffee, cured. Eighty-five rupees per quintal.

(2) coffee commercially known as "instant coffee". Ten per cent. ad valorem plus the duty for the time being leviable under sub-item (1) of this Item on coffee, cured, used in the manufacture of such "instant coffee", if not already paid.

Explanation.—For the purposes of sub-item (1), "coffee" means the seed of the coffee tree (*coffea*), whether with or without husk, whether cured or uncured, but does not include the seed while still attached to the tree.";

(v) for Item No. 3, the following Item shall be substituted, namely :—

3 Tea

"Tea" includes all varieties of the product known commercially as tea, and also includes green tea and "instant tea".

(1) Tea, all varieties except package tea and "instant tea" falling within sub-items (2) and (3), respectively, of this Item. Not exceeding two rupees per kilogram as the Central Government may be notified in the Official Gazette, fix.

(2) Package tea, that is to say, tea packed in any kind of container containing not more than 27 kilograms net of tea but excluding "instant tea" One rupee and twenty-five paise per kilogram plus the duty for the time being leviable under sub-item (1) of this Item, if not already paid.

(3) "Instant tea." Ten per cent. *ad valorem* plus the duty for the time being leviable on tea falling under sub-item (1) of this Item, if not already paid and if such tea is used in the manufacture of such "instant tea.";

(vi) in Item No. 4, under "II Manufactured tobacco—", for the entry in the third column against sub-item (2), the entry "One hundred and fifty per cent. *ad valorem*." shall be substituted;

(vii) in Item No. 6, for the entry in the third column, the entry "Seven hundred and twenty rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(viii) in Item No. 14A, for the entry in the third column, the entry "Ten per cent. *ad valorem*." shall be substituted;

(ix) after Item No. 14A, the following Item shall be inserted, namely:—

"14AA Chemicals, the following, namely:— Ten per cent. *ad valorem*."

(1) Calcium carbide.

(2) Bleaching paste and bleaching powder

(3) Sodium hydrosulphite.

(x) in Item No. 14B, for the entry in the third column, the entry "Ten per cent. *ad valorem*." shall be substituted;

(xi) after Item No. 16A, the following Item shall be inserted, namely:—

16AA. Synthetic Rubber, Including Butadiene acrylonitrile rubber, styrene butadiene rubber and butyl rubber; Synthetic rubber latex, Including pre-vulcanised synthetic rubber latex. Three hundred rupees per tonne."

(xii) in Item No. 19, in sub-item 1, (1), after the word "lappet", the words "butta fabrics, round mesh mosquito netting, shall be inserted;

(xiii) in Item No. 22, for the entry in third column against sub-item (1), the entry "Ten per cent. *ad valorem*" shall be substituted;

(xiv) in Item No. 23B, for the entries in the third column against each of the sub-items (2) and (3), the entry "Twenty-five per cent *ad valorem*." shall be substituted;

(xv) in Item No. 26AA,—

(a) in sub item (ia), for the words "angles, channels", the words "angles other than slotted angles, channels other than slotted channels" shall be substituted;

(b) in sub-item (ii), after the word "channels", the words "other than slotted channels" shall be inserted;

(xvi) for Item No 27, the following Item shall be substituted, namely :—

"27 ALUMINIUM—

(a) (i) in any crude form including ingots, bars, blocks, slabs, billets, shots and pellets; Twenty-five per cent *ad valorem*.

(ii) wire bars, wire rods and castings, not otherwise specified. Twenty-five per cent *ad valorem*.

(b) Manufactures, the following namely, plates, sheets, circles and strips in any form or size, not otherwise specified. Twenty-five per cent *ad valorem*.

(c) Foils, that is a product of thickness (excluding any backing) not exceeding 0.15 millimetre. Twenty per cent *ad valorem*.

(d) Pipes and tubes, other than extruded pipes and tubes. Twenty-five per cent *ad valorem*.

(e) Extruded shapes and sections including extruded pipes and tubes. Twenty-five per cent *ad valorem*.

(xvii) in Item No 28, for the entry in the third-column, the entry "Four hundred rupees per metric tonne." shall be substituted;

(xviii) in Item No. 29A, for the entries in the third column against sub-items (1), (2) and (3), the entries "Forty per cent. *ad valorem*.", "Forty per cent. *ad valorem*." and "Fifty per cent. *ad valorem*." shall, respectively, be substituted;

(xix) after Item No. 33C, the following Item shall be inserted, namely :—

"33D Office machines and apparatus, Ten per cent *ad valorem*.
including type-writers, calculating machines, cash Registers, cheque-writing Machines, Accounting machines, statistical machines, computers (including central processing units and peripheral Devices) intercom devices (But Excluding telephones), teleprinters and auxiliary machines for use with such machines, whether in assembled or unassembled condition.

Explanation.—The term "office machines and apparatus" shall be construed so as to include all machines and apparatus used in offices, shops, factories, workshops, education institutions, railway stations, hotels and restaurants for doing office work, for data processing and for transmission and reception of messages;

(xx) in Item No. 40, for the entry in the second column, the following entry shall be substituted, namely :—

"Steel furniture made partly or wholly of steel, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power whether in assembled or unassembled condition and parts of such steel, furniture (but Excluding Slotted angles and Channels made of steel)."

(xxi) after Item No. 43, the following Items shall be inserted, namely:—

44 Sparking plugs	Ten per cent. <i>ad valorem</i> .
45 Safety razor blades made of stainless steel.	Ten per cent. <i>ad valorem</i> .
46 Metal containets ordinarily intended for packaging of goods for sale, including casks, drums, cans, boxes, gas cylinders and pressure containers but excluding collapsible tubular containers made of aluminium	Ten per cent. <i>ad valorem</i>
47 Slotted angles and channels made of steel.	Ten per cent <i>ad valorem</i> plus the excise duty for the time being leviable on angles and channels under sub-item (ia) or, as the case may be, sub-item (ii) of Item No. 26-AA, if not already paid.
48 Safes, strong-boxes, strong-room linings and strong-room doors (whether or not with door frames), and cash and deed boxes and the like, of base metal.	Ten per cent <i>ad valorem</i>

33. *Special duties of excise on certain goods.*—When goods of the description mentioned in this section chargeable with a duty of excise under the Central Excises Act (as amended by this Act or any subsequent Central Act) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable are assessed to duty, there shall be levied and collected—

(a) as respects goods comprised in Items Nos. 6, 8, 9, 14D, 22A, 23A except sub-item (1) thereof, 23B, 28, 29, sub-items (2) and (3) of Item No. 31 and Item No. 32 of the First Schedule to the Central Excises Act, a special duty of excise equal to ten per cent. of the total amount so chargeable on such goods;

(b) as respects goods comprised in Items Nos. 2, 3(1), sub-items I, II (2) and II (3) of Item No. 4 Items Nos. 13, 14, 14F, 15, 15A, 15B, 16, 16A, 17, 18A (2), 21, 22, 23, 23A (1), 27, 30, 31 (1), 33, sub-items (1), (3a) and (4) of Item No. 34 and sub-items II (1), and II (2) of Item No. 37 of that Schedule, a special duty of excise equal to twenty per cent. of the total amount so chargeable on such goods; and

(c) as respects goods comprised in sub-item II (1) of Item No. 4 and Items Nos. 18, 18A (1), 18B, 20, 29A, 33A and sub-items (2) and (3) of Item No. 34 of that Schedule, a special duty of excise equal to 33-1/3 per cent. of the total amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1971, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the

time being in force and such special duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(4) The provisions of the Central Excises Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of duties of excise on such goods under that Act or those rules.

34. *Regulatory duties of excise*—(1) With a view to regulating or bringing greater economy in consumption there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Central Excises Act as amended by this Act or any subsequent Central Act, a regulatory duty of excise which shall not exceed fifteen per cent, of the value of the goods as determined in accordance with the provisions of section 4 of the Central Excises Act.

Provided the different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of May, 1971, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such regulatory duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(4) The provisions of the Central Excises Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the regulatory duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

35. *Amendment of Act 58 of 1957*.—In the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957,—

(i) in Item No. 1, for the entry in the third column, the entry "Seven and a half per cent ad valorem." shall be substituted;

(ii) in item No. 19, in sub item I (1), after the word "lappet," the words "buta fabrica, round mesh mosquito netting," shall be inserted;

(iii) in Item No. 22, for the entry in the third column against sub-item (1), the entry "Two and a half per cent. ad valorem." shall be substituted.

36. *Discontinuance of salt duty*.—For the year beginning on the 1st day of April, 1970, no duty under the Central Excises Act, or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

CHAPTER VI

Miscellaneous

37. *Amendment of Act 6 of 1898.*—In the First Schedule to the Indian Post Office Act, 1898,

(a) for the sub-heading "Book, Pattern and Sample packets" and the entries thereunder, the following shall be substituted, namely :—

"Book, Pattern and Sample packets"

For the first fifty grams or fraction thereof. 20 paise
For every additional twenty-five grams, 10 paise
or fraction thereof, in excess of fifty grams

(b) for the sub-heading "Parcels" and the entries thereunder, the following shall be substituted, namely :—

"Parcels"

For a weight not exceeding four hundred grams 90 paise

For every four hundred grams, or fraction thereof, exceeding four hundred grams 90 paise

38. *Amendment of Act 52 of 1963.*—In section 32 of the Unit Trust of India Act, 1963,—

(a) in sub-section (1), clause (b) shall be omitted with effect from the 1st day of April, 1971;

(b) in sub-section (2), in clause (c), for the words "one thousand rupees" in both the places where they occur, the words "three thousand rupees" shall be substituted.

39. *Amendment of Act 7 of 1964.*—In section 3 of the Companies (Profits) Surtax Act, 1964, after the words "Director of Inspection, Commissioner of Income-tax", the words "Additional Commissioner of Income-tax" shall be inserted.

THE FIRST SCHEDULE

(See section 2)

PART I

INCOME-TAX AND SURCHARGES ON INCOME-TAX

Paragraph A

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub clause (viii) of clause (31) of section 2 of the Income tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of Income tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 5,000 | 5 per cent. of the total income; |
| (2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000 | Rs. 250 plus 10 per cent of the amount by which the total income exceeds Rs. 5,000; |
| (3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000 | Rs. 750 plus 17 per cent of the amount by which the total income exceeds Rs. 10,000; |
| (4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 | Rs. 1600 plus 23 per cent. of the amount by which the total income exceeds Rs. 15,000; |
| (5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 | Rs. 2,750 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000; |
| (6) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 | Rs. 4,250 plus 40 per cent of the amount by which the total income exceeds Rs. 25,000; |
| (7) where the total income exceeds Rs. 30,000 but does not exceed | Rs. 6,250 plus 50 per cent of the amount by which the total |

- | | | |
|------|--|--|
| | Rs. 50,000 | income exceeds Rs. 30,000; |
| (8) | where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000 | Rs. 16,250 plus 60 per cent of the amount by which the total income exceeds Rs. 50,000 ; |
| (9) | where the total income exceeds Rs. 70,000 but does not exceed Rs. 1,00,000 | Rs. 28,250 plus 65 per cent of the amount by which the total income exceeds Rs. 70,000 ; |
| (10) | where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 2,60,000 | Rs. 47,750 plus 70 per cent of the amount by which the total income exceeds Rs. 1,00,000 ; |
| (11) | where the total income exceeds Rs. 2,50,000 | Rs. 1,52,750 plus 75 per cent of the amount by which the total income exceeds Rs. 2,50,000 ; |

Provided that for the purposes of this Paragraph, in the case of a person, not being a non-resident—

(i) no income-tax shall be payable on a total income not exceeding the following limit, namely :—

(a) Rs. 7,000 in the case of every Hindu undivided family which at any time during the previous year satisfies either of the following two conditions, namely :—

(1) that it has at least two members entitled to claim partition who are not less than eighteen years of age; or

(2) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;

(b) Rs. 4,000 in every other case;

(ii) where such person is an individual whose total income does not exceed Rs. 10,000 and who has, during the previous year, incurred any expenditure for the maintenance of any one or more of his parents or grand-parents mainly dependent on him, the income tax computed at the rate hereinbefore specified shall be reduced by so much of the amount specified hereunder, as does not exceed the amount of income-tax so computed:—

(a) Rs. 145 * * in the case of an unmarried individual;

(b) Rs. 220 * * in the case of a married individual who has no child mainly dependent on him;

(c) Rs. 240 * * in the case of a married individual who has one child mainly dependent on him;

(d) Rs. 260 * * in the case of a married individual who has more than one child mainly dependent on him.

so, however, that in the case of a married individual whose spouse has a total income exceeding Rs. 4,000, this clause shall have effect as if for the amounts of Rs. 220, Rs. 240 and Rs. 260, the amounts of Rs. 145, Rs. 165 and Rs. 185 had, respectively, been substituted ;

(iii) where such person is an individual not falling under clause (ii) or a Hindu undivided family, the income-tax computed at the rate hereinbefore specified shall be reduced by so much of the amount specified hereunder, as do not exceed the amount of income-tax so computed :—

(a) Rs. 125 in the case of an unmarried individual ;

(b) Rs. 200 in the case of a married individual who has no child mainly dependent on him or a Hindu undivided family which has no minor coparcener ;

(c) Rs. 220 in the case of a married individual who has one child mainly dependent on him or a Hindu undivided family which has one minor coparcener mainly supported from the income of such family ;

- (d) Rs. 240 in the case of a married individual who has more than one child mainly dependent on him or a Hindu undivided family which has more than one minor coparcener mainly supported from the income of such family,

so, however, that in the case of a married individual whose spouse has a total income exceeding Rs. 4,000, this clause shall have effect as if for the amounts of Rs. 200, Rs. 220 and Rs. 240, the amounts of Rs. 125, Rs. 145 and Rs. 165 had, respectively, been substituted ;

(iv) (A) where such person is an individual whose total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 and who has, during the previous year, incurred any expenditure for the maintenance of any one or more of his parents or grand-parents mainly dependent on him, the income-tax payable by him in respect of such total income shall not exceed the aggregate of—

(1) the income-tax which would have been payable by the individual if his total income had been Rs. 10,000, and

(2) forty per cent of the amount by which the total income of the individual exceeds Rs. 10,000 ;

(B) where such person is not an individual whose case falls under sub-clause (A) and the total income of such person does not exceed Rs. 20,000, the income-tax payable thereon shall not exceed forty per cent of the amount by which the total income exceeds the limit specified in sub-clause (a) or, as the case may be, sub-clause (b) of clause (i) of this proviso.

Explanation.—For the purposes of clause (ii) and sub-clause (A) of clause (iv) of this proviso, a parent or grand-parent of an individual shall not be treated as being mainly dependent on such individual if the income of the parent or, as the case may be, the grand-parent from all sources in respect of the previous year exceeds one thousand rupees.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent of such income-tax.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 10,000 | 15 per cent of the total income; |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs 10,000; |
| (3) where the total income exceeds Rs. 20,000 | Rs 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000. |

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph C

In the case of every registered firm,—

Rates of income-tax

- (1) where the total income does not exceed Rs. 10,000 Nil;

- | | |
|--|---|
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 | 4 per cent. of the amount by which the total income exceeds Rs. 10,000. |
| (3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 | Rs. 600 plus 6 per cent. of the amount by which the total income exceeds Rs. 25,000; |
| (4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 | Rs. 2,100 plus 12 per cent. of the amount by which the total income exceeds Rs. 50,000; |
| (5) where the total income exceeds Rs. 1,00,000. | Rs. 8,100 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,00,000. |

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:

(a) in the case of a registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income, a surcharge calculated at the rate of ten per cent. of the amount of income-tax computed at the rate hereinbefore specified;

(b) in the case of any other registered firm, a surcharge calculated at the rate of twenty per cent. of the income-tax computed at the rate hereinbefore specified; and

(c) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:

(i) the amount of income-tax computed at the rate hereinbefore specified; and

(ii) the amount of the surcharge calculated in accordance with clause (a), or as the case may be, clause (b), of this sub-paragraph.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph E

In the case of Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956- (31 of 1956)

Rates of income-tax

- (i) on that part of its total income 52 5 per cent.:
- which consists of profits and gains from life insurance business

- (ii) on the balance, if any, of the total income the rate of income-tax applicable, in accordance with Paragraph F of this Part, to the total income of a domestic company which is a company in which the public are substantially interested.

Paragraph F

In the case of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, (31 of 1956),

Rates of income-tax

I. In the case of a domestic company—

- (1) where the company is a company in which the public are substantially interested,—
 - (i) in a case where the total income does not exceed Rs. 50,000 45 per cent. of the total income;
 - (ii) in a case where the total income exceeds Rs. 50,000 55 per cent. of the total income;
- (2) where the company is not a company in which the public are substantially interested—
 - (i) in the case of an industrial company—
 - (a) on so much of the total income as does not exceed Rs. 10,00,000 55 per cent.
 - (b) on the balance, if any, of the total income 60 per cent ;
 - (ii) in any other case 65 per cent of the total income :

Provided that the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 60,000, shall not exceed the aggregate of—

- (a) the income-tax which would have been payable by the company if its total income had been Rs. 50,000 (the income of Rs. 50,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company) ; and
- (b) eighty per cent of the amount by which its total income exceeds Rs. 50,000.

II. In the case of a company other than a domestic company—

- (i) on so much of the total income as consists of —
 - (a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, or
 - (b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964,
 and where such agreement has, in either case, been approved by the Central Government
- (ii) on the balance, if any, of the total income 70 per cent.

PART II

Rates for deductions of tax at source in certain cases

In every case in which under the provisions of sections 193, 194, 194A and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to deduction, at the following rates :—

	Income-tax	
	Rate of income-tax	Rate of surcharge
1. In the case of a person other than a company—		
(a) where the person is resident—		
(i) on income by way of interest other than "Interest on securities"	10 per cent	Nil
(ii) on any other income (excluding interest payable on a tax free security)	20 per cent	2 per cent.

		Income-tax	
		Rate of income tax	Rate of surcharge
(b) where the person is not resident in India—			
(i) on the whole income (excluding interest payable on a tax free security)		Income-tax at 30 per cent and surcharge at 3 per cent of the amount of the income	
		or	
		Income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher ;	
(ii) on the income by way of interest payable on a tax free security		15 per cent	1.5 per cent.
2. In the case of a company—			
(a) where the company is a domestic company—			
(i) on income by way of interest other than "Interest on securities"		20 per cent	Nil
(ii) on any other income (excluding interest payable on a tax free security)		22 per cent	Nil
(b) where the company is not a domestic company—			
(i) on the income by way of dividends payable by an Indian company as is referred to in clause (a)(i) of subsection (1) of section 80M of the Income-tax Act		14 per cent	nil
(ii) on the income by way of dividends payable by any domestic company other than a company referred to in (i) hereinabove		24.5 per cent	Nil
(iii) on the income by way of royalties payable by an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, and which has been approved by the Central Government		50 per cent	Nil
(iv) on the income by way of fees payable by an Indian concern for rendering technical services in pursuance of an agreement made by it with the Indian concern after the 24th day of February, 1964, and which has been approved by the Central Government		50 per cent	Nil
(v) on the income by way of interest payable on a tax free security		44 per cent	Nil
(vi) on any other income		70 per cent	Nil

PART III

Rates for calculating or charging income-tax in certain cases, deducting income-tax from income chargeable under the head "Salaries" or any payment referred to in sub-section (9) of section 80E and computing "advance tax".

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the following rate or rates :—

Paragraph A

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 5,000	Nil;
(2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000	10 per cent. of the amount by which the total income exceeds Rs. 5,000;
(3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000	Rs. 500 plus 17 per cent. of the amount by which the total income exceeds Rs. 10,000;
(4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,350 plus 23 per cent. of the amount by which the total income exceeds Rs. 15,000;
(5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 2,500 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
(6) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
(7) where the total income exceeds Rs. 30,000 but does not exceed Rs. 40,000	Rs. 8,000 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
(8) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000	Rs. 11,000 plus 60 per cent. of the amount by which the total income exceeds Rs. 40,000;
(9) where the total income exceeds Rs. 60,000 but does not exceed Rs. 80,000	Rs. 23,000 plus 70 per cent. of the amount by which the total income exceeds Rs. 60,000;
(10) where the total income exceeds Rs. 80,000 but does not exceed Rs. 1,00,000	Rs. 37,000 plus 75 per cent. of the amount by which the total income exceeds Rs. 80,000;

- (11) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000 Rs. 52,000 plus 80 per cent of the amount by which the total income exceeds Rs. 1,00,000;
- (12) where the total income exceeds Rs. 2,00,000 Rs. 1,32,000 plus 85 per cent. of the amount by which the total income exceeds Rs. 2,00,000 :

Provided that for the purposes of this Paragraph, in the case of a Hindu undivided family which at any time during the previous year relevant to the assessment year commencing on the 1st day of April, 1971, satisfies either of the following two conditions, namely :—

(a) that it has at least two members entitled to claim partition who are not less than eighteen years of age, or

(b) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family,—

(i) no income-tax shall be payable on a total income not exceeding Rs. 7000;

(ii) where the total income exceeds Rs. 7000 but does not exceed Rs. 7,600, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 7,000.

Surcharge on income-tax

The amount of income tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income tax.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000 15 per cent. of the total income;

(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000;

(3) where the total income exceeds Rs. 20,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent of such income-tax.

Paragraph C

In the case of every registered firm,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000 Nil

(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 4 per cent of the amount by which the total income exceeds Rs. 10,000 ;

(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 Rs. 600 plus 6 per cent of the amount by which the total income exceeds Rs. 25,000 ;

(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 2,100 plus 12 per cent of the amount by which the total income exceeds Rs. 50,000 ;

- (5) where the total income exceeds Rs. 8,100 plus 20 per cent of the amount by which the total income exceeds Rs. 1,00,000

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder :—

(a) in the case of a registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent of such total income, a surcharge calculated at the rate of ten per cent of the amount of income-tax computed at the rate hereinbefore specified ;

(b) in the case of any other registered firm, a surcharge calculated at the rate of twenty per cent of the amount of income-tax computed at the rate hereinbefore specified ; and

(c) a special surcharge calculated at the rate of ten per cent on the aggregate of the following amounts, namely :—

(i) the amount of income-tax computed at the rate hereinbefore specified ; and

(ii) the amount of the surcharge calculated in accordance with clause (a), or, as the case may be, clause (b), of this sub-paragraph.

Paragraph D

In the case of every local authority,—

Rates of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent of such income-tax.

Paragraph E

In the case of the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956),—

Rates of income-tax

- (i) on that part of its total income 52.5 per cent ;

which consists of profits and gains from life insurance business

- (ii) on the balance, if any, of the total income the rate of income-tax applicable, in accordance with Paragraph F of this Part, to the total income of a domestic company which is a company in which the public are substantially interested.

Paragraph F

In the case of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956),

Rates of income-tax

1. In the case of domestic company—

(I) where the company is a company in which the public are substantially interested,—

- (i) in a case where the total income does not exceed Rs. 50,000 45 per cent of the total income ;

- (ii) in a case where the total income exceeds Rs. 50,000 55 per cent of the total income ;
2. where the company is not a company in which the public are substantially interested,—
- (i) in the case of an industrial company—
- (a) on so much of the total income as does not exceed Rs. 10,00,000 55 per cent ;
- (b) on the balance, if any, of the total income 60 per cent ;
- (ii) in any other case 65 per cent of the total income :

Provided that the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 50,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 50,000 (the income of Rs. 50,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company) ; and

(b) eighty per cent of the amount by which its total income exceeds Rs. 50,000.

11. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of—

(a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, or

(b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964,

and where such agreement has, in either case, been approved by the Central Government

(ii) on the balance, if any, of the total income 70 per cent ;

THE SECOND SCHEDULE

(See section 28)

PART I

In the First Schedule to Tariff Act,—

(i) in Item No. 22(3),—

(1) for the entry in the fourth column against sub-item (a), the entry "Rs. 45.00 per litre" shall be substituted ;

(2) for the entry in the fourth column against sub-item (b), the entry "Rs. 30.00 per litre" shall be substituted ;

(ii) in Item No. 22(4), for the entry in the fourth column against sub-item (a), the entry "Rs. 60.00 per litre or 200 per cent *ad valorem*, whichever is higher" shall be substituted ;

(iii) in Item No. 73(23), for the entry in the fourth column, the entry "100 per cent *ad valorem*" shall be substituted ;

(iv) in Item No. 82(4) and the entries relating thereto shall be omitted,

(v) in Item No. 87B, for the entry in the fourth column, against sub-item (i), the entry "60 per cent *ad valorem*" shall be substituted.

PART II

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7

In the First Schedule to the Tariff Act, for Item No. 82(3), the following Item shall be substituted, namely :—

82(3)	(a) Artificial or synthetic resins and plastic materials in any form, whether solid, liquid or pasty, or as powder, granules or flakes, or in the form of moulding powders.	Revenue	100 per cent <i>ad valorem</i>	...	...	...
	(b) Articles made of plastics, the following, namely tubes, rods, sheets, foils, sticks, other rectangular or profile shapes, whether laminated or not, and whether rigid or flexible including lay flat tubings and polyvinyl chloride sheets.	Do	Ditto	...	...	...

The Central Silk Board (Amendment) Act, 1970

The following Act of Parliament received the assent of the President on the 23rd May, 1970, and was published in the *Gazette of India*, Part II Section 1, No. 22, dated May 25 1970/Jaistha 4, 1892.

Indian Parliament Act No. 21 of 1970

[23rd May, 1970]

An Act further to amend the Central Silk Board Act, 1948.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

1. *Short title*.—This Act may be called the Central Silk Board (Amendment) Act, 1970.

2. *Amendment of section 1*.—In the Central Silk Board Act, 1948 (61 of 1948) (hereinafter referred to as the principal Act), in section 1, in sub-section (2), the words "except the State of Jammu and Kashmir"

shall be omitted.

3. *Amendment of section 8.*—In section 8 of the principal Act,—

(a) in sub-section (2) —

(i) in clause (b), for the words "reeling of silkworm cocoons", the words "reeling or, as the case may be, spinning of silkworm cocoons and silk waste" shall be substituted,

(ii) clause (c) shall be omitted ;

(b) in sub-section (3)—

(i) clause (b) shall be omitted.

(ii) in clause (c), the word "other" shall be omitted.

4. *Amendment of section 12* —In section 12 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

"(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause a copy of, the same to be laid before each House of Parliament.

(5) A copy of the accounts of the Board as so certified together with the audit report thereon shall be forwarded simultaneously to the Board."

5. *Insertion of new section 12A.*—After section 12 of the principal Act, the following section shall be inserted namely :—

"12A. *Annual report.*—The Board shall prepare for every financial year a report of its activities and achievements during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed, and that Government shall cause a copy of the report to be laid before each House of Parliament."

6. *Amendment of section 13.*—In section 13 of the principal Act,—

(a) in sub-section (2)—

(i) in clause (viii), the words "and the audit of such accounts" shall be omitted ;

(ii) after clause (viii), the following clause shall be inserted, namely :—

"(viii) the form of the annual report of the Board and the date on or before which it shall be submitted to the Central Government;"

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both

Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

The Tea (Amendment) Act, 1970

The following Act of Parliament received the assent of the President on the 23rd May, 1970, and was published in the *Gazette of India*, Ext. Part II-Sec. 1, No. 22, dated 25, 1970/Jaishtha 4, 1892.

Indian Parliament Act No. 22 of 1970

[23rd May, 1970]

An Act further to amend the Tea Act, 1953.

Be it enacted by Parliament in the Twenty-first year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Tea (Amendment) Act, 1970.

2. *Insertion of new section 26A.*—In the Tea Act, 1953 (29 of 1953), (hereinafter referred to as the principal Act), after section 26, the following section shall be inserted, namely:—

"26A. *Grants and loans by the Central Government to the Board.*—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants or loans such sums of money as the Central Government may consider necessary."

3. *Amendment of section 27.*—In section 27 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

"(aa) any sum of money that may be paid to the Board by way of grants or loans under section 26A;"

4. *Amendment of section 49.*—In section 49 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

The Requisition and Acquisition of Immovable Property (Amendment) Act, 1970.

The following Act of Parliament received the assent of the President on the 11th March, 1970, and was published in the *Gazette of India*, Ext. Part II-Sec. 1, No. 8, dated 11th March, 1970/Phalguna 20, 1891,

Indian Parliament Act No. 1 of 1970.

[11th March, 1970]

An Act further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1970.

2. *Amendment of section 1.*—In section 1 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) (hereinafter referred to as the principal Act) sub-section (3) shall be omitted.

3. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Notwithstanding anything contained in sub-section (1), the Central Government shall release from requisition,—

(a) any property requisitioned or deemed to be requisitioned under this Act before the commencement of the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1970, on or before the expiry of a period of three years from such commencement;

(2) any property requisitioned under this Act after such commencement, on or before the expiry of a period of three years from the date on which possession of such property was surrendered or delivered to, or taken by the competent authority under section 4, unless such property is acquired under section 7 within the period of three years aforesaid.”

(b) in sub-section (2), after the words “released from requisition”, the words, brackets, figures and letter “under sub-section (1) or sub-section (1A)” shall be inserted.

The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1970

The following Act of Parliament received the assent of the President on 11th March, 1970, and was published in the *Gazette of India*, Ext., Part II—Sec. 11, No. 8, dated March 11, 1970/Phalguna 20, 1892.

Indian Parliament Act No 3 of 1970.

An Act further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1970.

(2) It shall be deemed to have come into force on the 1st day of April, 1969.

2. *Amendment of long title.*—In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (38 of 1957), (hereinafter referred to as the principal Act), in the long title, for the figures, letters and words “12th day of August”, the figures, letters, and words “31st day of July, 1969” shall be substituted.

3. *Amendment of Second Schedule.*—In the Second Schedule to the principal Act,—

(a) in paragraph 1, the words “silk fabrics,” shall be omitted;

(b) in paragraph 2,—

(i) for the figures “1966”, the figures “1969” shall be substituted;

- (ii) in clause (a), for the figures "1.5", the figures "0.83" shall be substituted;
- (iii) in clause (b), for the figures "0.05", the figures "0.09" shall be substituted;
- (iv) in clause (c), in sub-clause (ii), for the figures "97.45", the figures "97.03" shall be substituted;
- (v) in the first proviso, for the words "silk fabrics, woollen fabrics and rayon or artificial silk fabrics", the words "woollen fabrics, rayon or artificial silk fabrics or one or more of them" shall be substituted;
- (vi) the provisos below the Table shall be omitted;
- (vii) for the Table, the following Table shall be substituted namely:—

"TABLE

1 State	2 Rupees in lakhs	3 Percentage
Andhra Pradesh	235.24	8.13
Assam	85.08	2.47
Bihar	130.16	8.40
Gujarat	323.45	6.33
Haryana	65.49	1.70
Kerala	95.08	4.84
Madhya Pradesh	155.17	6.34
Maharashtra	637.77	13.89
Mysore	100.10	6.00
Orissa	85.10	3.13
Punjab	96.07	2.98
Rajasthan	90.10	4.42
Tamil Nadu	285.34	9.63
Uttar Pradesh	575.81	12.99
West-Bengal	280.48	8.75

The Union Duties of Excise (Distribution) Amendment Act, 1970

The following Act of Parliament received the assent of the President on the 22nd March 1970, and was published in the *Gazette of India*, Ext., Part II-Sec.1, No. 9, dated March 24, 1970/Chaitra 3, 1892.

India Parliament Act No. 2 of 1970

[22nd March, 1970]

An Act further to amend the Union Duties of Excise (Distribution) Act, 1962.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short Title*.—This Act may be called the Union Duties of Excise (Distribution) Amendment Act, 1970.

2. *Amendment of long title*.—In the long title of the Union Duties of Excise (Distribution) Act, 1962 (3 of 1962) (hereinafter referred to as the principal Act), for the words, figures and letters "dated the 12th day of August, 1965", the words, figures and letters "dated the 31st day of July, 1969" shall be substituted.

3. *Substitution of new section for section 2*.—For section 2 of the principal Act, the following section shall be substituted namely:—

"2. *Definition*.—In this Act, the expression "distributable Union duties of excise" means twenty per cent. of the net proceeds of the duties of excise levied and collected under the Central Excises and Salt Act, 1944, (1 of 1944) and of the duties of excise levied and collected under the Mineral Products (Additional Duties of Excise and Customs) Act, 1958, (17 of 1958), includes, in respect of the financial years 1971-73 and 1973-74, twenty per cent. of the special duties of excise levied and collected under the Finance Acts of the respective years."

4. *Substitution of new section for section 3*.—For section 3 of the principal Act and the provisos thereto, the following section shall be substituted, namely:—

"3. *Distribution of a part of Union duties of excise among the States*.—During each financial year commencing on and after the 1st day of April, 1969, there shall be paid out of the Consolidated Fund of India to each of the States specified in Column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2:—

Table

1 State	2 Percentage	1 State	2 Percentage
Andhra Pradesh	7.15	Maharashtra	7.93
Assam	2.51	Mysore	4.65
Bihar	18.81	Nagaland	0.08
Gujrat	4.17	Orissa	4.72
Haryana	1.49	Punjab	2.17
Jammu and Kashmir	1.12	Rajasthan	5.28
Kerala	4.28	Tamil Nadu	6.50
Madhya Pradesh	8.48	Uttar Pradesh	18.82
		West Bengal	6.84."

The Appropriation (Vote on Account) Act, 1970

The following Act of Parliament received the assent of the President on the 28th March, 1970, and was published in the *Gazette of India*, Ext., Part II—Sec. 1 No. 10 dated March 28, 1970/Chaitra 7, 1892.

Indian Parliament Act No. 4 of 1970.

[28th March, 1970]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1970-71.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

1 *Short title*.—This Act may be called the Appropriation (Vote on Account) Act, 1970.

[Remaining text omitted.

Editor]

The Press Council (Amendment) Act, 1970

The following Act of Parliament received the assent of the President on the 31st March, 1970, and was published in the *Gazette of India*, Ext., Part II—Section 1, No. 13, dated March 31, 1970/Chaitra 10, 1892.

Indian Parliament Act No. 6 of 1970.

An Act further to amend the Press Council Act, 1965

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Press Council (Amendment) Act, 1970.

2. *Amendment of long title.*—In the long title to the Press Council Act, 1965 (34 of 1965) (hereinafter referred to as the principal Act), after the word “newspapers”, the words “and news agencies” shall be inserted.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (2), the words “except the State of Jammu and Kashmir” shall be omitted.

4. *Insertion of new section 2A.*—In Chapter I, after section 2 of the principal Act, the following section shall be inserted, namely :—

“2A *Rule of construction respecting enactments not extending to Jammu and Kashmir.*—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”

5. *Substitution of new sections for section 4.*—For section 4 of the principal Act, the following sections shall be substituted, namely :—

4. *Composition of the Council.*—(1) The Council shall consist of a Chairman and twenty-six other members.

(2) The Chairman shall be a person nominated by a committee (hereinafter referred to as the Nominating committee) consisting of the Chairman of the Council of States, the Chief Justice of India and the Speaker of the House of the People.

(3) Of the other members—

(a) thirteen shall be nominated by the Nominating Committee from among the working journalists of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors, so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall, in either case, be not less than three;

(b) six shall be nominated by the Nominating Committee from among persons who own or carry on the business of management of newspapers, of whom—

(i) one each shall be a representative of big newspapers, medium newspapers and shall newspapers published in Indian languages, and

(ii) one each shall be a representative of big newspapers medium newspapers and small news papers published in any other language;

(c) one shall be nominated by the Nominating Committee from among persons who manage news agencies;

(d) three shall be persons having special knowledge or practical experience in respect of education and science, law, and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;

(e) three shall be members of Parliament of whom two shall be nominated by the Speaker from among members of the House of the

People and one shall be nominated by the Chairman from among members of the Council of States:

Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a):

Provided further that not more than one person interested in any newspaper or group of newspapers under the same control or management shall be eligible for nomination under clause (a) or clause (b).

Explanation.—For the purposes of clause (b), "newspaper" shall be deemed to be—

(i) "big newspaper" if the circulation thereof exceeds fifty thousand copies for each issue;

(ii) "medium newspaper" if the circulation thereof exceeds fifteen thousand copies but does not exceed fifty thousand copies for each issue;

(iii) "small newspaper" if the circulation thereof does not exceed fifteen thousand copies for each issue.

(4) Before making any nomination under clause (a), clause (b) or clause (c) of sub-section (3), the Nominating Committee shall, in the prescribed manner, invite panels of names comprising twice the number of members to be nominated from such association or persons of the categories referred to in the said clause (a), clause (b) or clause (c) as may be notified in this behalf by the Council:

Provided that until the Council notifies any such association, the Nominating Committee may nominate members to represent any of the categories referred to in clause (a) clause (b) or clause (c) of sub-section (3) after consultation with any such other associations of persons of the category concerned or with such other individuals or interests concerned as it thinks fit.

(5) Where any association of persons referred to in sub-section (4) fails to forward a panel of names when invited to do so under that sub-section, the Nominating Committee may invite such panels of names in the like manner from any other association of persons of the category concerned or may nominate members after consultation with such other individuals or interests concerned as it thinks fit.

(6) Save as otherwise provided, no person shall be eligible for nomination under clause (a), clause (b) or clause (c) of sub-section (3) unless his name is included in the panel of names under sub-section (4) or sub-section (5), as the case may be.

(7) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette and every such nomination shall take effect from the date on which it is so notified.

4A Power to review nominations under certain cases.—Subject to such conditions as may be prescribed, the Nominating Committee shall have power to review any nomination made by it on a representation made to it by any association referred to in sub-section (4) or sub-section (5) of section 4 or by any person aggrieved by such nomination or otherwise.

6. *Amendment of section 5*—In section 5 of the principal Act,—

(a) in sub-section (1A),—

(i) for the words, figures and letters "until the 31st day of March, 1970", the words, figures, letters and brackets "until the 30th day of September, 1970 or until the Council is reconstituted in accordance with

the provisions of section 4 as amended by the Press Council (Amendment) Act, 1970, whichever is earlier" shall be substituted;

(ii) for the words, figures and letters "before the 31st day of March, 1970," the words, figures and letters "before the 30th day of September, 1970 or before the date on which the Council is reconstituted, as the case may be," shall be substituted;

(b) in sub-section (2), for the words, brackets and letters "chosen as a member under clause (a) or clause (b)", the words, brackets and letters "nominated as a member under clause (a), clause (b) or clause (c)" shall be substituted;

(c) in sub-section (3), for the words, brackets and letter "chosen under clause (d)", the words, brackets and letter "nominated under clause (c)", and for the word "chosen", where it occurs for the second time, the word "nominated" shall be substituted;

(d) after sub-section (), the following sub-section shall be inserted, namely:—

"(3A) A member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council."

(e) for sub-sections (5), (6) and (), the following sub-sections shall be substituted, namely:—

"(5) Any vacancy arising under sub-section (2), sub-section (3) sub-section (3A) or sub-section (4) or otherwise shall be filled, as soon as may be, by nomination made by the same authority by which and in the same manner in which the member vacating office was nominated and the member so nominated shall hold office for the remaining period for which the member in whose place he is nominated, would have held office.

(6) A retiring member shall be eligible for re-nomination for not more than one term."

7. *Amendment of section 7.*—In section 7 of the principal Act, after the words "The Council", the words "or any committee thereof" shall be inserted.

8. *Amendment of section 8.*—Section 8 of the principal Act shall be re-numbered, as sub-section (1) thereof, and after sub-section as so renumbered, the following sub-sections shall be inserted, namely:—

"(2) The Council shall have the power to co-opt as members of any committee constituted under sub-section (1) such other number of persons, not being members of the Council, as it thinks fit.

(3) Any such member shall have the right to attend any meeting of the committee on which he is so co-opted and to take part in the discussion thereat, but shall not have the right to vote and shall not be a member for any other purpose"

9. *Amendment of section 12* —In section 12 of the principal;—

(1) in sub-section (1), after the word "newspapers", the words "and news agencies" shall be inserted;

(2) in sub-section (2),—

(a) in clause (a), after the word "newspapers", the words "and news agencies" shall be inserted;

(b) in clause (b) and clause (c), after the word "newspapers", wherever it occurs, the words, "news agencies" shall be inserted;

(c) for clause (f), the following clause shall be substituted, namely:—

"(f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to

its notice by any individual, association of persons or any other organisation:

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from any foreign source in any other manner it thinks fit,";

(d) for clause (g), the following clause shall be substituted, namely:—

'(g) to undertake studies of foreign newspapers, including those brought out by any Embassy or other representative in India of a foreign State, their circulation and impact.

Explanation —For the purpose of this clause, the expression "foreign State" has the meaning assigned to it in section 87A of the Code of Civil Procedure, 19 (5 of 1908),";

(e) for clause (i), the following clause shall be substituted, namely:—

"(i) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947, (14 of 1947) applies,";

(f) in clause (j), after the word "newspapers", in both the places where it occurs, the words "or news agencies" shall be inserted.

10. *Amendment of section 13.*—In section 13 of the principal Act,—

(a) in sub-section (1),—

(i) after the word "newspaper", where it occurs for the first and the second time, the words "or news agency" shall be inserted;

(ii) for the words "censure the newspaper, the editor or journalist, as the case may be", the words "warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case may be" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) If the Council is of the opinion that it is necessary or expedient in the public interest so to do, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particular relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.";

(c) in sub-section (3), after the words, brackets and figure "under sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)", as the case may be, shall be inserted

11. *Amendment of section 14* —In section 14 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, (5 of 1908) in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and production of documents;

- (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) any other matter which may be prescribed.
- (2) Nothing in sub-section (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist."

12. *Amendment of section 18.*—In section 18 of the principal Act,—

- (a) after the words "standards of newspapers", the words "and news agencies" shall be inserted;
- (b) after the words "copies thereof", the words and figures "together with the statement of accounts audited in the manner prescribed under section 19" shall be inserted.

13. *Insertion of new section 18A.*—After section 18 of the principal Act, the following section shall be inserted, namely:—

"18A. *Interim reports.*—Without prejudice to the provisions of section 18, the Council may prepare at any time during the course of a year a report giving a summary of such of its activities during the year as it considers of public importance and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament."

14. *Amendment of section 22.*—In sub-section (2) of section 22 of the principal Act,—

- (a) in clause (a), after the words "may be invited under", the words, brackets and figure "sub-section (4) or" shall be inserted;
- (b) after clause (a), the following clause shall be inserted, namely:—
"(aa) the conditions subject to which, and the manner in which a representation for review of a nomination may be made;"
- (c) after clause (c), the following clause shall be inserted, namely:—
"(cc) matters referred to in clause (f) of sub-section (1) of section 14 which may be prescribed;"

15. *Amendment of section 23.*—In section 23 of the principal Act,—

- (a) in clause (a), after the words "meetings of the Council", the words "or any committee thereof" shall be inserted;
- (b) after clause (c), the following clauses shall be inserted, namely:—
"(d) delegating to the Chairman or the Secretary, subject to such conditions as it may think fit to impose, any of its powers under sub-section (3) of section 16;
- (e) any other matter for which under this Act provision may be made by regulations;"

The Appropriation Act, 1970.

The following Act of Parliament received the assent of the President on the 31st March, 1970, and was published in the *Gazette of India*, Ext., Part II—Sec. I, No 14 dated March 31st, 1970/Chaitra 10, 1892—
Indian Parliament Act No. 7 of 1970.

[Remaining text omitted.

Editor]

The Manipur Appropriation Act, 1970.

The following Act of Parliament received the assent of the President on the 31st March, 1970, and was published in the *Gazette of India*, Ext., Part II-Sec. I, No 14 dated March 31, 1970/Chaitra 10, 1892.
Indian Parliament Act No. 8 of 1970.

[Remaining text omitted

Editor.]

The Manipur Appropriation (No. 2) Act, 1970,

The following Act of Parliament received the assent of the President on the 31st March, 1970, and was published in the *Gazette of India*, Ext., Part II-Sec. I, No. 14 dated March 31, 1970/Chaitra 10, 1892.
Indian Parliament Act No. 9 of 1970.

[Remaining text omitted

Editor.]

The West Bengal Appropriation (Vote on Account) Act, 1970,

The following Act of Parliament received the assent of the President on the 31st March, 1970, and was published in the *Gazette of India*, Ext., Part II-Sec. I, No. 15 dated March 31, 1970/Chaitra 10, 1892.
Indian Parliament Act No. 10 of 1970

[Remaining text omitted.

Editor.]

The West Bengal Appropriation Act, 1970.

The following Act of Parliament received the assent of the President on the 31st March, 1970, and was published in the *Gazette of India*, Ext., Part II-Sec. I No. 15 dated March 31, 1970/Chaitra 10, 1892.
Indian Parliament Act, No. 11 of 1970.

[Remaining text omitted.

Editor.]

The Appropriation (Railways) Act, 1970

The following Act of Parliament received the assent of the President on the 31st March, 1970 and was published in the *Gazette of India*, Ext., Part II-Sec. I, No. 16 dated March 31, 1970/Chaitra 10, 1892,
Indian Parliament Act No. 12 of 1970

[Remaining text omitted.

Editor]

The Appropriation (Railways) No. 2 Act, 1970

The following Act of Parliament received the assent of the President on the 31st March, 1970 and was published in the *Gazette of India*, Ext., Part II-Section I No. 16 dated March, 31, 1970/Chaitra 10, 1892.
Indian Parliament Act No. 13 of 1970.

[Remaining text omitted.

Editor]

The Essential Commodities (Amendment) Continuance Act, 1970.

The following Act of Parliament received the assent of the President on the 31st March, 1970 and was published in the *Gazette of India*, Ext., Part II-Sec. I, No. 16 dated March 31, 1970/Chaitra 10, 1892.

Indian Parliament Act No 14 of 1970.

An Act to continue the Essential Commodities (Amendment) Act, 1964 for a further period.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Essential Commodities (Amendment) Continuance Act, 1970.

2. *Continuance of Act 47 of 1964.*—The duration of the Essential Commodities (Amendment) Act, 1964, is further extended for the period up to and including the 31st day of December, 1971, and accordingly that Act shall have effect subject to the modification that in section 1 of that Act, in sub-section (3), for the words, figures and letters "the 31st day of December, 1969", the words, figures and letters "the 31st day of December, 1971" shall be substituted.

3. *Repeal and saving.*—(1) The Essential Commodities (Amendment) Continuance Ordinance, 1969, (10 of 1969.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under section 12A of the Essential Commodities Act, 1955, (10 of 1955) or section 8A of the Criminal Law Amendment Act, 1952, (46 of 1952) as continued by the said Ordinance, shall be deemed to have been done or taken under those sections as continued by this Act as if this Act had come into force on the 30th day of December 1969.

The Calcutta Port (Amendment) Act 1970.

The following Act of Parliament received the assent of the President on the 31st March, 1970 and was published in the *Gazette of India*, Ext., Part II—Sec. I, No. 16 dated March 31, 1970/Chaitra 10, 1892.

Indian Parliament Act No 15 of 1970.

An Act further to amend the Calcutta Port Act, 1890.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Calcutta Port (Amendment) Act, 1970.

2. *Insertion of new section 35A in Bengal Act 3 of 1890.*—In the Calcutta Port Act, 1890 (hereinafter referred to as the principal Act), after section 35, the following section shall be inserted, namely:—

"35A. *Power of Commissioners to undertake certain works.*—The Commissioners may undertake to carry out on behalf of any person (including any State Government) any works or services or any class of works or services on such terms and conditions as may be agreed upon between the Commissioners and such person".

3. *Amendment of section 37.*—In section 37 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely:—

(3) Nothing in this section shall apply to any work referred to in section 35A."

4. *Repeal and saving.*—(1) The Calcutta Port (Amendment) Ordinance, 1970 (2 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 2nd day of February, 1970.

The West Bengal State Legislature (Delegation of Powers) Act, 1970

The following Act of Parliament received the assent of the President on the 29th April, 1970, and was published in the *Gazette of India*, Ext., Part II—Sec. I, No. 18 dated April 21, 1970/Vaishakha 9, 1892.

Indian Parliament Act No. 17, of 1970.

An Act to confer on the President the power of the Legislature of the State of West Bengal to make laws:

Be it enacted by Parliament in the Twenty-first year of the Republic of India as follows:—

1. *Short title*—This Act may be called the West Bengal State Legislature (Delegation of Powers) Act, 1970.

2. *Definition*.—In this Act, “Proclamation” means the Proclamation issued on the 19th day of March, 1970, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 490 of the said date.

3. *Conferment on the President of the power of the State Legislature to make laws*—(1) The power of the Legislature of the State of West Bengal to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution, passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

The Appropriation (No. 2) Act, 1970

The following Act of Parliament received the assent of the President on the 10th May, 1970, and was published in the *Gazette of India*, Ext., Part II—Sec. I, No. 19 dated May 11, 1970/Vaishakha 21, 1892.

Indian Parliament Act, No. 18 of 1970

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1970-71.

(Remaining text omitted.)

Editor.)

PART II-A

PRESIDENT ACTS

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Published in the *Gazette of India*, Ext, Part II-Sec. 1, No. 51, dated November 15, 1969/Kartika 24, 1891.

The Bihar Contingency Fund (Amendment) Act, 1969. **President Act No. 9 of 1969.**

Enacted by the President in the Twentieth Year of the Republic of India.

An Act further to amend the Bihar Contingency Fund Act, 1950.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows :—

1. *Short title.*—This Act may be called the Bihar Contingency Fund (Amendment) Act, 1969.

2. *Amendment of section 4.*—For the proviso to section 4 of the Bihar Contingency Fund Act, 1950 (Bihar Act XIX of 1950), the following proviso shall be substituted, namely :—

“Provided that during the financial year ending on the 31st March, 1970, the State Government may withdraw a sum not exceeding seven crores of rupees out of the Consolidated Fund of the State and place it to the credit of the Fund.”.

V. V. GIRI,
President.

Reasons for the enactment

Under the Bihar Contingency Fund Act, 1950 (Bihar Act XIX of 1950), as amended by the Bihar Contingency Fund (Amendment) Act, 1960 (Bihar Act V of 1960), the permanent corpus of the Bihar Contingency Fund is four crores rupees. The amount available in the Fund has proved to be inadequate on account of the State being affected by floods on a large scale than was anticipated in the Budget for the current financial year. It is, therefore, essential to augment temporarily the permanent corpus of the Bihar Contingency Fund for the financial year 1969-70 only so that relief work is not hampered for lack of provision of funds.

2. The present legislation seeks to meet this object.

3. As it is not practicable to refer the present legislation to the Consultative Committee of Parliament on Bihar legislation, it has been decided, in view of the urgency of the matter, to enact the present legislation as a President's Act without such reference.

Published in the *Gazette of India* Ext., Part II-Sec. 1, No. 54, dated December 26, 1969/Pausa 5, 1891.

The Bihar Hindu Religious Trusts (Amendment) Act, 1969. **President Act No. 10 of 1969.**

Enacted by the President in the Twentieth Year of the Republic of India.

An Act further to amend the Bihar Hindu Religious Trusts Act, 1950.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) the President is pleased to enact as follows:—

1. *Short title.*—This Act may be called the Bihar Hindu Religious Trusts (Amendment) Act, 1969.

2. *Amendment of section 5.*—In section 5 of the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act 1 of 1951) (hereinafter referred to as the principal Act), in sub-section (2), after the word “established”, the words “by the State Government shall be inserted.

3. *Amendment of section 80.*—In section 80 of the principal Act, in clause (b) of sub-section (1), for the words “eighteen months”, the words “thirty months” shall be, and shall be deemed to have been, substituted with effect from the fifteenth day of May, 1969.

4. *Amendment of section 81A.*—In section 81A of the principal Act, in clause (c), for the words “six months”, the words “eighteen months” shall be, and shall be deemed to have been, substituted with effect from the twenty-first day of April, 1969.

5. *Savings and validation.*—Notwithstanding the expiration of the Bihar Hindu Religious Trusts (Amendment) Ordinance, 1969 (Bihar Ordinance No. III of 1969) and the Bihar Hindu Religious Trusts (Second Amendment) Ordinance, 1969,—

(a) anything done or any action taken in exercise of any power conferred by or under the principal Act, as amended by the aforesaid Ordinances (Bihar Ordinance No. V of 1969) shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act, as amended by this Act;

(b) any election held under clause (c) of sub-section (2) of section 8 of the principal Act before the commencement of this Act shall be deemed to have been validly held and shall not be called in question merely on the ground that the period fixed therefor had expired at the time of such election.

V. V. GIRI,
President.

Reasons for the enactment

Clause (b) of sub-section (1) of section 80 of the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act 1 of 1951), as amended by the Bihar Hindu Religious Trusts (Second Amendment) Ordinance, 1969 (Bihar Ordinance V of 1969), provided for supersession of the Board for a period not exceeding six months at a time, but in any case not exceeding twenty-four months in all. Clause (d) of section 81 of the said Act provides that before the expiration of the period of supersession, election shall be held and appointment made for the purpose of constituting the Board.

2. The Bihar State Board of Religious Trust was superseded on 12th December, 1967 for a period of six months which was extended from time to time to a total period of twenty-four months as, due to certain administrative difficulties, the election for the purpose of reconstituting the Board could not be completed. The said period of twenty-four months expired on 11th December, 1969. In the meantime, the said Ordinance has also expired. In order to complete the election for the purpose of reconstituting the Board it is proposed to amend the Act to enable supersession of the Board for a total period of thirty months.

3. The constitution of the Third Bihar State Board of Swetamber Jain Religious Trusts was declared illegal by the Patna High Court on 29th August, 1968 under section 81A of the Act. Under clause (c) of section 81A of the Act, as amended by the Hindu Religious Trusts

(Amendment) Ordinance, 1969 (Ordinance No. III of 1969), the Board should have been reconstituted within a period of twelve months from that date, i. e., before 29th August, 1969. But, this also could not be possible within the said period because of some administrative difficulties. The said Ordinance has also expired. Therefore, in order to reconstitute the Board it is necessary to amend the said section so as to make it possible to hold the election in this regard, and reconstitute the Board within a period of eighteen months. It is also proposed to validate the election under clause (c) of sub-section (2) of section-8 of the Act which has already been held in furtherance of the reconstitution of the Board under clause (c) of section 81A of the Act.

4 The present measure is intended to achieve these objects.

5. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

Published in the *Gazette of India*, Part-II-Sec. 1, dated February 11, 1970.

**The Bihar Tenancy (Amendment) Act, 1970.
President Act 6 of 1970.**

Enacted by the President in the Twenty first year of the Republic of India.

An Act Further to amend the Bihar Tenancy Act, 1885.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bihar Tenancy (Amendment) Act, 1970.

(2) It shall come into force at once.

2. *Substitution of new section for section 109*—For section 109 of the Bihar Tenancy Act, 1885 (Bihar Act VIII of 1885), the following section shall be substituted, namely:—

"109. *Bar of jurisdiction to Civil Courts.*—(1) Subject to the provisions of section 109A, Civil Court shall not entertain any application or suit—

(a) concerning the preparation or publication of record of rights or settlement of rent or preparation of Settlement Rent-rolls;

(b) for alteration of any entry in any such record or roll;

(c) for the determination of incidents of any tenancy; or

(d) for declaration of title to or recovery of possession of or confirmation of possession over any holding or tenancy or part thereof in which correctness of any entry in any such record or roll is expressly or impliedly challenged or in which determination of incidents of any tenancy is involved.

(2) Suit for declaration of title to or recovery of possession of or confirmation of possession over any holding or tenancy or part thereof, in which correctness of any entry in any record-of-rights or Settlement Rent-roll is expressly or impliedly challenged or in which determination of incidents of any tenancy is involved, may be instituted before the Collector or any Revenue Officer specially empowered by the State Government by notification in this behalf who shall dispose of the suit in the prescribed manner.

(3) An appeal against the decision under sub-section (2) shall lie—

(a) if the decision is by an officer other than the Collector of a district, to the Collector of the district or to any other officer as may be specially empowered by the State Government by notification in this behalf, whose decision thereon shall be final; or

(b) if the decision is by the Collector of a district, to the Commissioner of the Division, whose decision thereon shall be final.

(4) Every appeal under sub-section (3) shall be presented within ninety days from the date of the decision under sub-section (2)."

3. *Transfer of certain applications and suits pending in Civil Courts.*—

(1) Notwithstanding anything contained in the Bihar Tenancy Act, 1885 (Bihar Act VIII of 1885), or any other law for the time being in force, all applications and suits of the nature referred to in sub-section (1) of section 109 of the said Act as amended by this Act, pending in a Civil Court immediately before the commencement of this Act shall on such commencement, stand transferred to the Collector of the district in which such Court is situated and the Collector shall either dispose them of himself or transfer them to any Revenue Officer competent to hear an application or suit of such nature under sub-section (2) of the said section 109:

Provided that an appeal against or proceedings in execution of any judgment, decree or order of a Civil Court passed in any such suit before the commencement of this Act shall be disposed of as if this Act had not been enacted.

(2) The Collector or the Revenue Officer shall dispose of the suit transferred to him under sub-section (1) in the prescribed manner.

(3) An appeal against the decision under sub-section (2) shall lie,—

(a) if the decision is by an officer other than the Collector of a district, to the Collector of the district or to any other officer as may be specially empowered by the State Government by notification in this behalf, whose decision thereon shall be final; or

(b) if the decision is by the Collector of a district, to the Commissioner of the Division, whose decision thereon shall be final,

(4) Every appeal under sub-section (3) shall be presented within ninety days from the date of the decision under sub-section (2).

V.V. Giri,
President.

Reasons for the Enactment.

Survey and settlement operations have been undertaken in several districts of Bihar with a view to effecting a thorough revision of record-of-rights. A large number of suits were filed in Civil Courts challenging the entries in the record-of-rights. Considering that it would be difficult for the under-raiyats to defend their cases in Civil Courts and for the Civil Courts to deal with a large number of cases speedily, the Bihar Tenancy (Amendment) Act, 1964, was enacted which barred a Civil Court from entertaining any application or suit concerning (1) the preparation or publication of record-of rights, (2) settlement of rent and preparation of Settlement Rent-roll, (3) alteration of any entry in such record or roll, and (4) determination of the incidents of any tenancy and for transfer of such suits from Civil Courts to Revenue Courts.

2. On an interpretation of the wordings of section 109 of the Bihar Tenancy Act, 1885 as substituted by the Bihar Tenancy (Amendment) Act, 1964 and the transitional provision contained in section 11 of the said amending Act, it has been held by the Patna High Court in Misc. Judicial Case no. 1709 of 1964 that in a suit for declaration of title between rival claimants to property and for confirmation of possession or recovery of possession, a prayer for correction of the entry in the record-of rights

is of an ancillary nature and the Bihar Tenancy (Amendment) Act, 1969 did not take away the jurisdiction of a Civil Court in such suits.

3 It is apprehended that the purpose of the Bihar Tenancy (Amendment) Act 1964 would be defeated as in the suits for correction of records or determination of incidents of tenancy, disputes relating to title and possession are generally involved. It is, therefore, necessary to further amend the Bihar Tenancy Act, 1885 and specifically provide for barring the jurisdiction of a Civil Court with regard to suits for declaration of title to or recovery of possession of or confirmation of possession over any holding or tenancy or part thereof in which correctness of any entry in any record of rights or Settlement Rent-roll is expressly or impliedly challenged or in which determination of incidents of tenancy is involved for empowering the Revenue Court to decide such suits and for transfer of such cases to the Revenue Courts for disposal. The present measure is intended to achieve that object.

4 The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

Published in the *Gazette of India*, Part-II-Sec. 1,
dated February 12, 1970

**The Bihar State University Commission (Amendment) Act, 1970,
President Act 9 of 1970.**

Enacted by the President in the Twenty-first Year of the Republic of
India

An Act to amend the Bihar State University Commission Act,
1961.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows:—

1. *Short title.*—This Act may be called the Bihar State University Commission (Amendment) Act 1970.

2. *Amendment of section 5*—For sub-section (5) of section 5 of the Bihar State University Commission Act, 1961 (Bihar Act V of 1962), the following sub-sections shall be, and shall be deemed always to have been, substituted, namely:—

“(5) The Secretary shall be a whole-time officer and shall be paid such salary in the scale of pay of a University Professor as may be fixed by the Chairman from time to time and subject thereto the terms and conditions of service of the Secretary and the other members shall be such as may be determined by the Chairman.

Explanation.—The expression “University Professor” shall have the meaning assigned to it in clause (t) of section 2 of the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960 (Bihar Act XIV of 1960)

(6) The qualifications of the Secretary shall be such as the State Government may, by notification in the Official Gazette, specify, having regard to the qualifications for appointment of Professors in the Universities in Bihar.”

V. V. GIRI,
President.

Reasons for the Enactment

Sub-section (5) of section 5 of the Bihar State University Commission Act, 1961 (Bihar Act V of 1962) provides for a whole-time

Secretary for the State University Commission in the scale of Rs. 850—50—1 250. The scale was equivalent to the scale of pay of the post of University Professor prevalent at that time. The scale of the post of University Professor was raised to Rs. 1,000—50—1,500 with effect from the 1st July, 1964. The scale has been further revised and now the University Professors have been placed in the scale of Rs. 11,00—1,600. The last Secretary of the University Commission was in the rank of a University Professor but according to the present provisions of the Act he could not be given any rise in the scale of pay corresponding to the scale of pay applicable to a University Professor as revised from time to time. The Bihar State University Commission has, with a view to attracting qualified persons, proposed that the Secretary of the Commission may be given the scale of University Professor. It is therefore, proposed to amend sub-section (5) of section 5 of the Bihar State University Commission Act, 1961 so as to provide that the Secretary of the Commission shall be paid such salary in the scale of pay of a University Professor as may be fixed by the Chairman from time to time and shall possess such qualification, as may be notified by the State Government, having regard to the qualifications for appointment of Professors in the Universities in Bihar.

2 The present legislation gives effect to the aforesaid proposal.

3 The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

Published in the *Gazette of India* Part II-Sec. 1, dated February 11, 1970.

The Bihar Land Reforms (Amendment) Act, 1970.

President Act 5 of 1970.

(Enacted by the President on 11th February, 1970).

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act further to amend the Bihar Land Reforms Act, 1950.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows:—

1. *Short title*—This Act may be called the Bihar Land Reforms (Amendment) Act, 1970.

2. *Amendment of section 4*.—In section 4 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), (hereinafter referred to as the principal Act), in clause (cc),—

(i) the words “with the consent of the outgoing intermediary” shall be, and shall be deemed always to have been, omitted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that an appeal against an order passed under this clause, if preferred within sixty days of the date of such order, shall lie to the prescribed authority not below the rank of the Collector of the district who shall dispose of the same according to the prescribed procedure.”.

3. *Amendment of section 6*.—In section 6 of the principal Act, in sub-section (1),—

(i) in the proviso, after the words “possession of”, the words “any naukarana land or” shall be, and shall be deemed always to have been, inserted;

(ii) the following Explanation shall be, and shall be deemed always to have been, inserted at the end, namely:—

'Explanation.—For the purposes of this sub-section, "naukarana land" means land held as a grant burdened with service in lieu of rent or held simply in lieu of wages for services to be rendered.'

4. *Amendment of section 12*—In section 12 of the principal Act, in sub-section (1), for the words and figures "Sections 9, 11 and 31", the words and figures "sections 9, 11, 25 and 31" shall be substituted.

5. *Amendment of section 25*—In section 25 of the principal Act, in sub-section (4),—

(i) in clause (b), for the words "a Tribunal to be appointed by the State Government in this behalf", the words and figures "a Mines Tribunal appointed under section 12" shall be substituted;

(ii) clauses (c) and (d) shall be omitted ;

(iii) clauses (e), (f) and (g) shall respectively be relettered as clauses (c), (d) and (e) ;

(iv) in clause (d) as so re-lettered, the words "and to the opinion of the Mining Expert, with regard to the extent of the mining operation carried on and of the minerals obtained" shall be omitted.

6. *Amendment of section 32B.*—To section 32B of the principal Act, the following proviso shall be added, namely :—

"Provided that no such affidavit shall be necessary where the amount of compensation payable is less than one hundred rupees".

7. *Amendment of section 33.*—In section 33 of the principal Act, in sub-section (1), after the existing provisos, the following proviso shall be inserted, namely :—

"Provided also that if the State Government by notification in the Official Gazette so directs, *ad interim* payments of compensation may be made in advance at any time within two months prior to the expiry of any six-monthly period fixed for making such payments".

8. *Amendment of section 43.*—In section 43 of the principal Act, in sub-section (2), for clause (d), the following clause shall be substituted, namely :—

"(d) the authority to which an appeal shall lie under the proviso to clause (cc) and the proviso to clause (hh) of section 4 and section 8 and the procedure to be followed in disposing of such appeal ;".

9. *Transitional provision.*—(1) All proceedings pending before the Tribunal appointed under section 25 immediately before the commencement of this Act shall stand transferred for disposal to the Mines Tribunal appointed under section 12.

(2) The Mines Tribunal may continue the proceedings from the stage at which they were so transferred.

V. V. GIRI,
President.

Reasons for the Enactment.

The Bihar Land Reforms Act, 1950 mainly provides for the abolition of intermediaries. In the administration of the said act, some legal and practical difficulties have been experienced particularly with regard to the recovery from the outgoing intermediaries of the amount of rent realised by them for any period after the date of vesting of their estates and tenures; the settlement of the *naukarana* lands with the grantee rather than with the intermediary, the functioning of two separate Tribunals for dealing with mining disputes, the filing of affidavits in the

case of petty amounts of compensation and the advance payment of *ad interim* compensation on the occasions of important festivals.

2. With a view to removing these difficulties, it is considered necessary to make suitable amendments by the present measure in sections 4, 6, 12, 25, 32B, 33 and 43 of the Bihar Land Reforms Act, 1950.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), has been consulted before the enactment of this measure as a President's Act.

Published in the *Gazette of India*, Part II-Sec. 1, dated February 11, 1970.

The Bihar Panchayat Samitis and Zila Parishads (Amendment) Act, 1970.

President Act 1 of 1970.

(Enacted by the President on 11th February, 1970)

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act further to amend the Bihar Panchayat Samitis and Zila Parishads Act, 1961.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar Panchayat Samitis and Zila Parishads (Amendment) Act, 1970.

(2) It shall be deemed to have come into force on the 8th day of July, 1969.

2. *Amendment of section 8.*—In the first proviso to sub-section (2) of section 8 of the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act VI of 1962), hereinafter referred to as the principal Act, for the words "six months" "the twelve months" shall be, and shall be deemed always to have been, substituted.

3. *Amendment of section 38.*—In the first proviso to sub-section (2) of section 38 of the principal Act, for the words "six months", the words "twelve months" shall be and shall be deemed always to have been substituted.

4. *Repeal and saving.*—(1) The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1969 (Bihar Ordinance II of 1969), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken, in exercise of any power conferred by or under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act as amended by this Act.

V. V. GIRI,
President.

Published in the *Gazette of India* Part II-Sec. 1, dated February 11, 1970.

The Bihar Universities (Amendment) Act, 1970.
President Act 3 of 1970

(Enacted by the President on 11th February, 1970.)

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act further to amend the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960 and the Magadh University Act, 1961.)

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar Universities (Amendment) Act, 1970.

(2) It shall come into force on the 26th day of February, 1970.

2. *Insertion of new section 48B in Bihar Act XIV of 1960.*—After section 48A of the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960, the following section shall be inserted namely:—

48B “*Power of colleges established and administered by minorities to make appointments, etc of teachers.*—Notwithstanding anything contained in sub-sections (6), (7), (8), (9), (10) and (11) of section 38A, the governing body of an affiliated college established by a minority based on religion or language may, with the approval of the University Service Commission and the Syndicate,—

(i) appoint, dismiss or remove teachers; or

(ii) terminate the services of teachers or reduce them in rank or take other disciplinary measures against them.”

3. *Amendment of section 45 of Bihar Act IV of 1962.*—To section 45 of the Magadh University Act, 1961, the following proviso shall be added, namely:—

“Provided that the governing body of an affiliated college established by a minority based on religion or language may, with the approval of the University Service Commission and the Syndicate,—

(i) appoint, dismiss or remove teachers;

(ii) terminate the services of teachers or reduce them in rank or take other disciplinary measures against them.”

V. V. GIRI.

President.

Published in the *Gazette of India*, Part-II-Sec. 1, dated 11th February, 1970.

The Bihar District Boards and Local Boards (Control and Management) Amendment Act, 1970.

President Act 2 of 1970.

(Enacted by the President on 11th February, 1970)

Enacted by the President in the Twenty-first Year of the Republic of India

An Act further to amend the Bihar District Boards and Local Boards (Control and Management) Act, 1958.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bihar District Boards and Local Boards (Control and Management) Amendment Act, 1970.

(2) It shall be deemed to have come into force on the 8th day of July, 1969.

2. *Amendment of section 2.*—In section 2 of the Bihar District Boards and Local Boards (Control and Management) Act, 1958, (Bihar Act XX of

1958) hereinafter referred to as the principal Act),—

(a) in sub-section (2), for the words, figures and letters "till the 31st March, 1969", the words, figures and letters "till the 30th September, 1970" shall be, and shall be deemed always to have been, substituted;

(b) after sub-section (2), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

"(3) Notwithstanding anything to the contrary contained in the said Act or the rules framed thereunder, any persons aggrieved by an order of the person or persons appointed under sub-section (2) may, within two months from the date of the order, prefer an appeal to such authority as the State Government may, by notification in the Official Gazette, appoint and the order of the appellate authority thereon shall be final."

3. Repeal and savings.—(1) The Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1969 (Bihar Ordinance I of 1969), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken, in exercise of any power conferred by or under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act as amended by this Act.

V. V. GIRI,
President.

Published in the *Gazette of India* Part II, sec. 1, dated February 11, 1970.

The Bihar Re-enacting Act 1970.

President Act 4 of 1970.

Enacted by the President in the twenty-first Year of the Republic of India.

An Act to re-enact certain enactments.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the Bihar Re-enacting Act, 1970.

(2) It shall come into force at once:

2. Re-enactment of certain President's Acts.—The President's Acts mentioned in the Schedule are hereby re-enacted with the modifications specified therein.

THE SCHEDULE

(See section 2)

President's Acts

1. The Bihar Land Reforms (Validation) Act, 1969 (2 of 1969).

2. The Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Act, 1969 (3 of 1969).

Section 2.—For "the 31st day of March, 1970", substitute "the 31st day of March, 1971".

3. The Chota Nagpur Tenancy (Amendment) Act, 1969 (4 of 1969).

Section 2.—After "the Bihar and Orissa Co-operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935)", insert "or to the State Bank of India or a bank specified in column (2) of the first schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 (22 of 1969)".

Section 3.—After “the Bihar and Orissa Co operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935), or”, insert “by the State Bank of India or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 (22 of 1969), or by”.

4. The Bihar Tenancy (Amendment) Act, 1969 (7 of 1969).

Section 2.—After “the Bihar and Orissa Co operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935)”, insert ‘or with the State Bank of India or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 (22 of 1969)’.

V. V. GIRI,
President.

Reasons for the Enactment

By a proclamation, dated the 29th June 1968, issued by the President under article 356 of the Constitution of India, the powers of the Legislature of the State of Bihar were declared to be exercisable by or under the authority of Parliament. By the Bihar State Legislature (Delegation of Powers) Act, 1968 (39 of 1968) Parliament conferred on the President the power of the Legislature of the said State to make laws. By virtue of these powers, the President, *inter alia*, enacted the following Acts for the State of Bihar:—

- (1) The Bihar Land Reforms (Validation) Act, 1969 (2 of 1969).
- (2) The Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Act, 1969 (3 of 1969).
- (3) The Chota Nagpur Tenancy (Amendment) Act, 1969 (4 of 1969).
- (4) The Bihar Tenancy (Amendment) Act, 1969 (7 of 1969).

2. The said Proclamation was, after the mid-term elections, revoked by the President by a Proclamation, dated the 26th February 1969, and therefore, the Proclamation ceased to be in force on that date. Under clause (2) of article 357 of the Constitution, the President's Acts mentioned in paragraph 1 will cease to have effect on the expiration of a period of one year after the Proclamation ceases to operate unless they are re-enacted.

3. The present enactment is intended to re-enact the said four Acts. Opportunity has also been taken to extend up to the 31st March 1971, the period within which the proceedings for restoration may be initiated under the Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration Act, 1947, and to enable an occupancy-raiyat or a tenant to obtain agricultural credit against simple mortgage under the Chota Nagpur Tenancy Act, 1908, or the Bihar Tenancy Act, 1885, as the case may be, also from the State Bank of India or the banks specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969.

4. The Committee constituted under the proviso to sub-section (2) section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

Published in the *Gazette of India*, Ext., Part II-Sec. 1, dated
February 11, 1970.

The Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) Amendment Act, 1970.

President Act 7 of 1970.

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act to amend the Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) Act, 1961.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows:—

1 *Short title* —This Act may be called the Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) Amendment Act, 1970.

2 *Insertion of new sections 3A and 3B* —After section 3 of the Bihar Taxation on Passengers and Goods (Carried by Public Service Motor Vehicles) Act, 1961 (Bihar Act XVII of 1961) (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

“3A. *Collection of tax in pursuance of reciprocal agreements.*—Notwithstanding anything contained in this Act, where a reciprocal agreement relating to taxation on passengers or goods carried by public service motor vehicles is entered into between the State Government of Bihar and any other State Government, the levy and collection of the tax shall be in accordance with the terms and conditions of such reciprocal agreement;

Provided that the tax so levied shall not exceed the tax leviable under this Act:

Provided further that the terms and conditions of every such reciprocal agreement shall be published in the Official Gazette and a copy thereof shall be laid before both the Houses of the State Legislature.

3B. *Power to exempt.*—The State Government may, by notification in the Official Gazette, exempt, in the public interest, subject to such conditions, if any, owner or class of owners, from payment of tax leviable on any public service motor vehicle where in its opinion, such vehicle is engaged,—

(a) in the carriage of passengers or goods on such inter-State routes as may be specified in the notification, or

(b) in the carriage of passengers or goods in furtherance of any educational, medical, philanthropic or other similar object, or

(c) in the carriage of passengers or goods and in respect of which an agreement for the acceptance of lump sum in lieu of the amount of tax has been arrived at under section 8.”

3. *Amendment of section 9* —In section 9 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

(‘4A) If any owner fails, without any reasonable cause, to make payment of the tax due from him as specified in the notice under sub-section (4) within the time specified therein or such further time as may be allowed by the prescribed authority, he shall, in addition to the amount of tax payable by him, pay, by way of penalty, a sum not exceeding five per centum of the amount of the tax due for each of the first three months following the expiry of the time specified above and ten per centum of the amount of the tax due for each subsequent month or part thereof.”

4. *Insertion of new section 11A.*—After section 11 of the principal Act, the following section shall be inserted, namely:—

11A. *Liability of the transferee to assessment in certain cases.*—(1) Where any owner claims that he is not liable to tax under this Act, in respect of any public service motor vehicle on the ground that he has transferred the ownership of the vehicle, the burden of proving the transfer of the vehicle shall be on the transferor and for this purpose he shall file before the prescribed authority a declaration in such form and within such period as may be prescribed, together with the particulars of transfer and the evidence in support thereof.

(2) If the prescribed authority is satisfied after such enquiry as he may deem necessary, that the particulars contained in the declaration are true, he shall make an order to that effect and assess the amount of tax due from such owner for the period prior to date of transfer.

(3) Where any owner having transferred any public service motor vehicle fails to file the declaration or to produce the evidence as required under sub-section (1) or where the owner having made such transfer cannot be found the prescribed authority shall after giving the transferee a reasonable opportunity of being heard, assess, to the best of its judgment, the amount of tax due in respect of the period prior to the date of transfer and for such an assessment proceeding taken against the transferee all the provisions of this Act shall, so far as may be apply,

(4) Where the transferor is in a position to pay the tax due in respect of the period prior to the date of transfer, the prescribed authority may of its own motion or on an application made by the transferee, and after such enquiry as he may deem necessary, order that an assessment proceeding in respect of the said period started against the transferee be transferred and taken against the transferor."

V. G. GIRI,
President.

Published in the *Gazette of India*, Ext, Part II Sec. 1, dated
February 11, 1970.

The Bihar Entertainments Tax (Amendment) Act, 1970
President Act 8 of 1970

Enacted by the President in the Twenty first Year of the
Republic of India.

An Act Further to amend the Bihar Entertainments Tax Act, 1948.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969), (32 of 1969) the President is pleased to enact as follows:—

1. *Short title.*—This Act may be called the Bihar Entertainments Tax (Amendment) Act, 1970.

2. *Amendment of Section 3.*—In section 3 of the Bihar Entertainments Tax Act, 1948 (Bihar Act XXXV of 1948) (hereinafter referred to as the principal Act),—

(a) for the proviso to sub section (1), the following proviso shall be substituted, namely:—

"Provided that the State Government may, from time to time, by notification, and subject to such conditions as it may deem fit to impose fix a higher rate of entertainments tax not exceeding the amount of such payment for admission, or any lower rate of tax payable under this Act, in respect of any entertainment or class or series of entertainments or in respect of different rates of payments for admission to the same entertainment specified in such notification";

(b) after sub-section (1), the following sub-section shall be inserted,

namely:—

“(IA) The amount of entertainments tax payable on any payment for admission shall not be less than five paise and, where the payment for admission is less than one rupee, fractions of five paise in the amount of the tax shall be rounded off to five paise or to the nearest lower multiple thereof; and, where the payment is one rupee or more, such fractions shall be rounded off to the next higher multiple of five paise.”.

3 *Amendment of section 3A*—In section 3A of the principle Act, for sub-section (I), the following sub-section shall be substituted, namely:—

“(1) Subject to such rules as may be prescribed, the State Government may, except in respect of an entertainment covered by the proviso to sub-section (1) of section 5, require the entertainments tax payable in respect of any entertainment to be estimated and paid in advance for any period not exceeding three months.”.

4. *Substitution of new section 4*.—For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. *Liability of complimentary tickets to entertainments tax*.—Subject to such rules as may be prescribed, entertainments tax shall be levied and paid to the State Government also on every complimentary ticket issued by the proprietor for every entertainment as if full payment had been made for admission for such entertainment according to the class of seat or accommodation which the holder of such ticket is entitled to occupy or use.”.

5. *Substitution of new section for section 5*.—For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Admission to entertainments*—(1) Save as otherwise provided by this Act, no person other than a person who has some duty to perform in connection with the entertainment or a duty imposed upon him by or under this Act or any other law, shall be admitted to any entertainment in respect of which entertainments tax is payable under section 3 or section 4 except with a ticket or a complimentary ticket in the prescribed form:

Provided that the State Government may, from time to time, by notification in the Official Gazette, in respect of places of entertainments in area or areas specified therein, direct that such tickets or complimentary tickets shall be stamped with an impressed, embossed, engraved, or adhesive stamp (not previously used) issued by the State Government or any mechanical contrivance used for the purpose of revenue under this Act and indicating the proper tax for such ticket:

Provided further that the State Government or the prescribed authority may, by order, exempt any place of entertainment in any area in which such notification is in force, from the operation thereof for such period as may be specified in the order.

(2) The State Government may, on the application of the proprietor of any entertainment in respect of which the entertainments tax is payable, permit the proprietor to pay, on such conditions as may be prescribed, the amount of the tax due—

(a) by compounding in the prescribed manner the tax payable in respect of such entertainment for a fixed sum; or

(b) by a consolidated payment at such percentage of the gross proceeds received by the proprietor on account of payments for admission to the entertainments and on account of tax as the State Government may, fix; or

(c) in accordance with the results recorded by any mechanical contrivance that automatically registers the number of persons admitted.

(3) The provisions of sub-section (1) shall not apply to any entertainment in respect of which the entertainments tax due is payable in accordance with the provisions of clause (a) or (c) of sub-section (2) and the proviso to sub-section (1) shall not apply to any entertainment in respect of which the entertainments tax is payable in accordance with sub-section (2)."

6. *Insertion of new section 5A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Levy and collection.*—Subject to the provisions of this Act, and such rules as may be prescribed, entertainments tax shall—

(i) be levied in respect of each person admitted to the entertainment

(ii) be, paid, in the case of admission by stamped tickets as provided in the proviso to sub-section (1) of section 5, by means of a stamp on such tickets,

(iii) be calculated and paid, in the case of admission otherwise than by stamped tickets, on the number of persons admitted, and

(iv) be recoverable from the proprietor in the case of admission otherwise than by stamped tickets."

7. *Substitution of new section for section 7.*—For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Security*—(1) Subject to such rules, as may be prescribed, the prescribed authority may require the proprietor of an entertainment to deposit as security an amount not exceeding the total entertainments tax chargeable for the full fortnight as calculated with reference to the number of shows:

Provided that the said authority may—

(i) vary the amount of security from time to time if he considers this to be necessary;

(ii) forfeit the security in whole or part if the returns are not furnished on the due date along with the receipt for the payment of the tax in respect of admission otherwise than by stamped tickets or if the returns are found to be inaccurate; or

(iii) adjust in the event of default, the amount of the arrears of entertainments tax due or penalty, if any, from the amount of security and direct the proprietor to make good the amount of security before the tax for the next fortnight falls due.

(2) The amount of security to be deposited under sub-section (1) shall not exceed a sum of rupees one thousand for a place of entertainment in an area in respect of which a notification has been issued under the proviso to sub-section (1) of section 5."

8. *Amendment of section 9*—In section 9 of the principal Act—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If the proprietor fails without any reasonable cause to furnish any return within the prescribed date, the prescribed authority may direct that the proprietor shall, by way of penalty, pay a sum not exceeding five rupees for every day after the prescribed date during which the proprietor fails to submit the prescribed return."

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Before the proprietor furnishes the return required by sub-section (1), he shall, unless the entertainments tax has been paid by

means of stamps, pay into a Government treasury, in the prescribed manner, the full amount of such tax, and shall furnish along with the return, a receipt from such Treasury showing the payment of such amount.”;

(c) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) Any amount of tax or penalty which remains unpaid under this Act or any sum required to be paid under clause (1) or (b) of sub-section (2) of section 5, which remains unpaid after the due date, shall be recoverable as an arrear of land revenue:

Provided that, when a proprietor has presented any appeal under section 14, the appellate authority may, in its discretion, treat the proprietor as not being in default so long as the appeal remains pending.”.

9. *Insertion of new sections 9B and 9C.*—After section 9A of the principal Act, the following sections shall be inserted, namely:—

“9B. *Assessment of tax.*—The entertainments tax payable under the Act shall be assessed by the prescribed authority in the prescribed manner:

Provided that, without prejudice to any action under clause (a) of sub-section (1) of section 16, where the tax is levied under the proviso to sub-section (1) of section 5, such assessment shall be made in the prescribed manner only where any proprietor of an entertainment admits any place of entertainment in contravention of the provisions of the said proviso.

9C. *Transfer of proceedings.*—(1) Any officer authorised by the State Government in this behalf may, at any stage, direct transfer of a proceeding in respect of any entertainment from the prescribed authority to person to any another such authority of the same or higher rank.

(2) Where any direction is given under sub-section (1), the prescribed authority to whom the proceeding is transferred, shall after giving to the proprietor a notice in writing of the transfer proceed to dispose it of as if it had been initiated by the said authority and such transfer shall not render necessary re-issue of any notice already issued before the transfer and the authority to whom the proceeding is transferred may, in its discretion continue it from the stage at which it was left by the authority from whom it was transferred.”.

10. *Amendment of section 12.*—In section 12 of the principal Act, after clause (b) sub-section (1), the following clauses shall be inserted, namely:—

“(c) Every officer so authorised may also enter any place where the tickets for admission to an entertainment or counterfoils thereof or stamps are kept or any accounts, registers or other documents relating to an entertainment are kept or maintained and may search at any reasonable time any such place or office or any box or receptacle in which any such tickets, counterfoils, stamps, accounts, registers or other documents, are kept and may inspect such tickets, counterfoils, stamps, accounts, registers or other documents, if he has reason to suspect that attempt is being, or has been, made to evade payment of any tax, and may, for reasons to be recorded in writing, seize such tickets, counterfoils, stamps, accounts, registers and other documents and shall grant a receipt for the same and such seized tickets, counterfoils, stamps, accounts, registers or other documents shall be retained so long as may be necessary for the examination thereof or for a prosecution and shall thereafter be returned to the proprietor.

(d) The officers so authorised shall have power to break open any box or receptacle in which any tickets, counterfoils, stamps, accounts, registers or other documents relating to any entertainment may be contained or to break open the door of any premises where any such tickets, counterfoils, stamps, registers, accounts or other documents may be kept if the proprietor or any other person in occupation of the said premises fails or refuses to open the door or the box or receptacle on being called upon to do so."

11. *Substitution of new section for section 13* —For section 13 of the principal Act, the following section shall be substituted, namely:—

"13. *Production and inspection of accounts and documents* —(1) Subject to such rules as may be prescribed, the prescribed authority may, either before or after assessment, require any proprietor to produce before it any accounts, registers or documents including those relating to stamps or to furnish any information relating to financial transactions of the proprietor in respect of his entertainments including transactions with the producer or distributor of films, printing of tickets including complimentary tickets, sales of tickets including complimentary tickets and realisation of payment for admission or entertainments tax the profit derived from the entertainments as may be necessary for the purposes of this Act and the proprietor shall comply with such requirement

(2) All accounts, registers, documents stamps and tickets mentioned in sub-section (1) shall at all reasonable times, be open to inspection by the prescribed authority, which may take or cause to be taken such copies of or extracts from the accounts, registers of documents as it may consider necessary."

12. *Amendment of section 21.*—In sub-section (2) of section 21 of the principal Act—

(a) after clause (b), the following clause shall be inserted, namely:—

"(bb) for the supply and use of stamps or stamped tickets, for securing the defacement of stamps when used, for keeping of accounts of all stamps used under this Act or for the renewal of damaged or spoiled stamps and for any other matter concerning stamps;"

(b) after clause (d), the following clause shall be inserted, namely:—

"(dd) prescribing the authority for exempting any place of entertainment in any area in which the notification under proviso to section 5 (1) is in force;"

(c) after clause (l), the following clause shall be inserted, namely:—

"(ll) prescribing the procedure of assessment of tax and other matters related thereto;"

V. V. GIRI
President.

Reasons for the Enactment

The existing law of entertainment tax in Bihar envisages the payment of the tax by the proprietors of entertainments every fortnight, calculated on the value of tickets sold by them. Experience has shown that under the existing system, proprietor evade the tax by suppressing the sale tickets. It also results in delay in the payment of the tax already collected by the proprietors. This measure, therefore, seeks to amend the Bihar Entertainments Tax Act, 1948 (XXXV of 1948), providing that the tickets of admission to entertainments shall be stamped. It also seeks to amend the existing law so as to tighten the administration of entertainments tax law in the State and improve the efficiency of the collection machinery.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

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July 13, 19 0/Asadha 22, 1892.

The West Bengal Land Reforms (Amendment) Act, 1970.
President Act No 16 of 1970.

Enacted by the President in the Twenty-first year of the Republic of India.

An Act further to amend the West Bengal Land Reforms Act 1955.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970 (17 of 1970), the President is pleased to enact as follows :—

1. *Short title and commencement*—(1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 1970.

(2) It shall come into force at once.

2. *Insertion of new section 15A*.—After section 15 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

“15A. *Continuation of right of cultivation on bargadar's death*—(1) Notwithstanding anything contained in any law for the time being in force or in any contract to the contrary, where a *bargadar*, cultivating any land, dies at a time when cultivation of such land by the *bargadar* was continuing, the cultivation of such land may be continued by the lawful heir of the *bargadar* or where there are more than one lawful heir, by such lawful heir of the *bargadar* as all the lawful heirs of the *bargadar* may determine within the prescribed period :

Provided that where the lawful heirs of the *bargadar* omit or fail to make a determination as required by this sub-section, the officer or authority appointed under sub-section (1) of section 18 may nominate one of the lawful heirs of the *bargadar*, who is in a position to cultivate the land personally, to continue the cultivation thereof.

(2) The lawful heir of the *bargadar* who is determined or nominated for the cultivation of the land shall cultivate the land subject to such terms and conditions as may be prescribed.

(3) Where—

(a) no lawful heir of the *bargadar* is in a position to cultivate the land personally, or

(b) the lawful heirs of the *bargadar* fail to determine, within the prescribed period, the heir by whom the cultivation of the land will be continued and the officer or authority appointed under sub-section (1) of section 18 also omits or fails to nominate, within the prescribed period, any lawful heir of the deceased *bargadar* for the continuation of the cultivation of the land, or

(c) the person determined or nominated under sub-section (1) omits or fails to take any steps within the prescribed period, for the continuation of the cultivation of the land,

cultivation of the land may be continued by such person, whether an heir of the deceased *bargadar* or not, as may be nominated by the person whose land was cultivated by the deceased *bargadar*.”

3. *Amendment of section 16*—In section 16 of the principal Act,—

(i) in clause (b) of sub-section (1), for the figures “60:40”, the figures “75:25” shall be substituted ;

(ii) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

“(2) The *bargadar* shall tender, within the prescribed period, to the person whose land he cultivates, the share of the produce due to such person.

(3) Where any share of produce tendered under sub-section (2) is accepted by the person whose land is cultivated by the *bargadar*, each party shall give to the other a receipt, in such form as may be prescribed, for the quantity of the produce received by him.

(4) If the person whose land is cultivated by the *bargadar* refuses to accept the share of the produce tendered to him by the *bargadar*, or to give a receipt therefor, the *bargadar* may deposit, within the prescribed period, such share of the produce with such officer or authority as may be prescribed and such deposit shall discharge the *bargadar* from his obligation to deliver the share of the produce to the person whose land he cultivates :

Provided that where the quantity of the produce deposited by the *bargadar* is lesser than the quantity of the produce due to the person whose land he cultivates, the obligation of the *bargadar* with regard to the delivery of the deficiency in relation to the produce shall continue.

(5) Where a deposit referred to in sub-section (4) has been made, the prescribed officer or authority shall—

(a) give to the *bargadar* a receipt in such form as may be prescribed stating therein the quantity of the produce deposited by the *bargadar* and the particulars of the person for whom the produce has been deposited ; and

(b) give intimation of such deposit, in such form and in such manner as may be prescribed, to the person for whom the produce has been deposited

(6) Where any produce is deposited under sub-section (4), the officer or authority referred to therein shall, on an application made to him or to it by the person whose land is cultivated by the *bargadar*, either deliver to such person the share of the produce deposited by the *bargadar* or pay him, at his option, in cash the price of such share of the produce, computed at the rates prevalent at the date of the deposit for the procurement of the produce by the State Government.

(7) The *bargadar* shall store or thresh the produce—

(a) at such place as may be agreed upon between him and the person whose land he cultivates, or

(b) where there is disagreement between them, at such place as may be fixed by him after giving notice, in writing, served in the prescribed manner, to the person whose land he cultivates :

Provided that the person whose land is cultivated by the *bargadar* may, at any time during the storage or threshing of the produce, enter the place where the produce has been stored or is being threshed for the purpose of inspecting the storage or threshing, as the case may be, of the produce."

4. *Amendment of section 17.*—In section 17 of the principal Act, in sub-section (1) —

(a) in clause (a), the words "or has neglected to cultivate it properly" shall be omitted ;

(b) for clause (c), the following clause shall be substituted, namely :—

"(c) that the *bargadar* has failed to tender or deposit to the full extent the share of the produce as required by sub-section (2), or sub-section (4), as the case may be, of section 16 :

Provided that no order for termination of cultivation, made on the ground specified in this clause, shall be given effect to if the *bargadar* delivers to the person, whose land he cultivates, the share of the produce due to such person, or pays to him the market price thereof, within such

time and in such instalments as the officer or authority making the order may, having regard to all the circumstances of the case, specify in this behalf.”;

(c) for the proviso to clause (d), the following provisos shall be substituted, namely :—

“Provided that the person owning the land shall be entitled to terminate cultivation by a *bargadar* of only so much of land as together with any other land in the personal cultivation of such person does not exceed 3.0351 hectares :

Provided further that such person shall not be entitled to so terminate cultivation by a *bargadar* as to reduce the aggregate area of the land cultivated by the *bargadar* to less than 0.8094 hectares.

Explanation.—In determining the areas specified in the foregoing provisos no transfer of land made after the commencement of the West Bengal Land Reforms (Amendment) Act, 1970, shall be taken into account.”.

5. *Amendment of section 18.*—In section 18 of the principal Act,—

(i) in sub-section (1), clause (c) shall be omitted,—

(ii) sub-section (2B) shall be omitted.

6. *Amendment of section 19*—In section 19 of the principal Act,—

(a) in sub-section (1), for the word “Munsif”, wherever it occurs, the words “Sub-Divisional Officer” shall be substituted ;

(b) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(2A) Every appeal pending before any Munsif at the commencement of the West Bengal Land Reforms (Amendment) Act, 1970, shall, on such commencement, stand transferred to, and be disposed of, by the Sub-Divisional Officer having jurisdiction in relation to the area in which the land is situated and on such transfer every such appeal shall be dealt with from the stage at which it was so transferred and shall be disposed of in accordance with the provisions of this Act as amended by the West Bengal Land Reforms (Amendment) Act, 1970.

(2B) The Sub-Divisional Officer may transfer any appeal, whether transferred to, or filed before, him, for disposal to any officer not below the rank of a Sub-Deputy Collector, subordinate to him, but senior in rank and position to the officer or authority against whose order the appeal has been preferred and every such appeal shall be dealt with from the stage at which it was so transferred and shall be disposed of in accordance with the provisions of this Act as amended by the West Bengal Land Reforms (Amendment) Act, 1970.”;

(c) in sub-section (.) and (4), for the word “Munsif”, the words “Sub-Divisional Officer or other officer” shall be substituted.

7. *Insertion of new section 20A.*—After section 20 of the principal Act, the following section shall be inserted, namely :—

“20A *Sitting aside of order for termination of cultivation by bargadars.*—Notwithstanding anything contained in any law for the time being in force, where, before the commencement of the West Bengal Land Reforms (Amendment) Act, 1969 (West Bengal Act XI of 1969.) an order for the termination of cultivation of any land by a *bargadar* had been made under clause (b) of sub-section (1, of section 18 but such order has not been given effect to (whether by reason of the operation of any law or otherwise), before the commencement of the West Bengal Land Reforms (Amendment) Act, 1970, then such order shall, on such commencement stand vacated and the officer or authority by whom such

order was made shall, after giving notice to the parties concerned decide the dispute in accordance with the provisions of section 17 as amended by the West Bengal Land Reforms (Amendment) Act, 1970."

8. *Amendment of section 21.*—In section 21 of the principal Act, in sub-section (1), the words "Save as provided in section 19" shall be omitted.

V. V. GIRI,
President.

Reasons for the enactment

The problems of *bargadars* (share-croppers) in West Bengal have been engaging the attention of the State Government for quite some time. The existing provisions in the West Bengal Land Reforms Act, 1955 relating to rights of *bargadars* are not considered to be adequate for safeguarding the interests of *bargadars*. Pending enactment of a comprehensive legislation with regard to *bargadars*, the proceedings for termination of cultivation by a *bargadar* were temporarily stayed by promulgation of an Ordinance in June, 1969, which was subsequently replaced by an Act of the State Legislature for continuation of the stay of proceedings up to 4th August, 1970. In the interest of agricultural production as well as of the continuity of cultivation by a *bargadar*, it seems more appropriate to make alterations in the grounds for termination of cultivation by a *bargadar* rather than to extend the period of the interim provision for the stay of proceedings of termination of cultivation. It is also considered equitable to provide for the continuous cultivation by a *bargadar* and, in the event of his death, by his lawful heirs, in respect of at least a minimum area with a view to enabling him to make improvements of durable nature and at the same time to permit small holders to resume cultivation of land for *bona fide* personal cultivation in specified cases. In conformity with the pattern adopted in other States it is proposed to reduce the owner's share of the produce from 40 per cent. to 25 per cent. in cases where the owner does not supply cattle, plough and other inputs. An opportunity has also been taken for making certain other modifications for ensuring smoother implementation of the Act. The present measure is being enacted to achieve the above objectives.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970 (17 of 1970) has been consulted before enactment of this measure as a President's Act.

Published in the *Gazette of India*, Ext., Part II—Sec. 1, No. 31,
dated July 16, 1970/Asadha 25, 1892.

The Calcutta Metropolitan Development Authority Act, 1970.
President Act No. 17 of 1970.

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act to provide for the establishment of an authority for the formulation and execution of plans for the development of the Calcutta Metropolitan Area, for the co-ordination and supervision of the execution of such plans and for matters connected therewith or incidental thereto etc.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970 (Central Act 17 of 1970), the President is pleased to enact as follows :—

CHAPTER Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Calcutta Metropolitan Development Authority Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Calcutta Metropolitan Area” means the areas within the Calcutta Metropolitan District ;

(b) “Calcutta Metropolitan District” means the area described as such in the Schedule to the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965 (West Bengal Act XIV of 1965) ;

(c) “prescribed” means prescribed by rules made under this Act by the State Government.

CHAPTER II

The Calcutta Metropolitan Development Authority.

3. *Establishment of the Calcutta Metropolitan Development Authority.*—

(1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, an authority to be called the Calcutta Metropolitan Development Authority (hereinafter referred to as the Metropolitan Authority).

(2) The Metropolitan Authority shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may sue and be sued in its name.

4. *Composition of the Metropolitan Authority.*—(1) The Metropolitan Authority shall consist of the following members, namely :—

(a) the Chief Minister of the State of West Bengal, who shall be the Chairman thereof :

Provided that when there is no Council of Ministers functioning in the State of West Bengal, the State Government may nominate such person, as it may think fit, to be a member and the Chairman of the Metropolitan Authority ;

(b) the Commissioner, Development and Planning Department of the Government of West Bengal, *ex officio* ;

(c) the Commissioner, Town and Country Planning, Branch of the Department of Development and Planning, Government of West Bengal, *ex officio* ;

(d) the Financial Commissioner to the Government of West Bengal, *ex officio* ; and

(e) not more than three other persons, to be nominated by the State Government, of whom—

(i) one shall be a Councillor of the Corporation of Calcutta, and

(ii) the other two shall be persons who have been elected as commissioners of any municipality within the Calcutta Metropolitan Area.

(2) The Chairman of the Metropolitan Authority shall discharge such functions and exercise such powers as may be prescribed.

(3) (a) The State Government may appoint one member, from amongst the members referred to in clauses (b), (c), (d) and (e) of sub-section (1), as the Vice-Chairman of the Metropolitan Authority.

(b) The Vice-Chairman shall discharge such functions and exercise such powers as may be delegated to him by the Chairman and shall,

during the absence of the Chairman, perform the functions and exercise the powers of the Chairman.

(4) The members referred to in clause (e) of sub-section (1) shall hold office for a term of three years, computed from the date of their nomination by the State Government, and shall receive such allowances for attending the meetings of the Metropolitan Authority or any committee thereof, as may be prescribed :

Provided that every such member, on ceasing to be a Councillor of the Corporation of Calcutta or the commissioner of any municipality within the Calcutta Metropolitan Area, as the case may be, shall cease to hold office as such member notwithstanding that the said term of three years has not expired and the vacancy caused by such ceasing shall be filled by the State Government by making a fresh nomination.

(5) No act or proceeding of the Metropolitan Authority shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, that Authority.

5. *Meetings of the Metropolitan Authority.*—(1) The Metropolitan Authority shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(2) The Chairman of the Metropolitan Authority, or, if for any reason he is unable to attend any meeting, the Vice-Chairman, or, if for any reason both the Chairman and the Vice-Chairman are unable to attend any meeting any other member of the Metropolitan Authority, elected by the members thereof present at the meeting, shall preside at the meeting.

6. *Power of Metropolitan Authority to borrow.*—The Metropolitan Authority may, with the previous approval of the State Government, borrow any money for carrying out the purposes of this Act or for servicing any loan obtained by it.

7. *Funds of the Metropolitan Authority.*—There shall be a Fund for the Metropolitan Authority to which shall be credited—

(a) such monies as may be paid to it by the State Government under the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970,

(b) all monies borrowed by the Metropolitan Authority,

(c) such other monies as may be paid to the Metropolitan Authority by the State Government or any other authority or agency.

8. *Sinking fund.*—(1) The Metropolitan Authority shall maintain a sinking fund for the repayment of money borrowed by it and shall pay every year into the said fund such sum as will be sufficient for repayment, within the period fixed for the repayment of the loan, of the money borrowed by it.

(2) The money paid into the sinking fund shall be invested in such manner and in such securities as may be prescribed.

(3) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan or part thereof for which such fund was created, and until such loan or part thereof is wholly discharged, the money standing to the credit of the fund shall not be applied for any other purpose.

9. *Accounts.*—The Metropolitan Authority shall keep accounts in such form as may be prescribed and shall close such accounts at such time as the State Government may specify in this behalf.

10. *Budget.*—The Metropolitan Authority shall prepare, every year

in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure of the Metropolitan Authority and shall forward to the State Government such number of copies thereof as may be specified in the rules made under this Act.

11. *Audit*—(1) The audit of the accounts of the Metropolitan Authority shall be made by such person as may be appointed by the State Government.

(2) The audit shall be made in such manner as may be prescribed.

(3) The Auditor shall submit his Audit Report to the Metropolitan Authority and shall forward a copy thereof to the State Government.

12. *Power to appoint staff*.—(1) The Metropolitan Authority may appoint a whole-time Secretary and such other staff as it may think fit for the exercise of its powers and discharge of its functions under this Act.

(2) Every expenditure incurred by the Metropolitan Authority, including the expenditure incurred by it for meeting the salaries and allowances of the staff employed by it, shall be defrayed out of the Funds of the Metropolitan Authority.

13. *Advisory Council*.—(1) The Metropolitan Authority shall, as may be, constitute an Advisory Council for the purpose of advising it on the formulation and co-ordination of plans for the development of the Calcutta Metropolitan Area.

(2) The Advisory Council shall consist of the following members, namely :—

(a) the Chairman of the Metropolitan Authority, *ex officio*, who shall be the President thereof;

(b) the Vice-Chairman of the Metropolitan Authority, *ex officio*;

(c) the Chairman of the Board of Trustees for the Improvement of Calcutta;

(d) the Chairman of the Board of Trustees for the Improvement of Howrah;

(e) one person holding office, for the time being, as the Commissioner of the Corporation of Calcutta;

(f) two persons with knowledge of town planning and architecture, to be nominated by the State Government;

(g) one representative of the Department of Health of the State Government;

(h) three representatives of the municipal corporations and other municipal authorities, other than the Corporation of Calcutta, within the Calcutta Metropolitan Area, to be nominated by the State Government;

(i) one representative of the Calcutta Electricity Supply Corporation Limited, to be nominated by the State Government;

(j) one person representing the interests of the Calcutta Tramways Company Limited, to be nominated by the State Government;

(k) a member of the Board of Directors of the Calcutta Metropolitan Water and Sanitation Authority, to be nominated by that Board;

(l) a representative of the Calcutta Metropolitan Planning Organisation, to be nominated by the State Government;

(m) two Members of the West Bengal Legislative Assembly, to be nominated by the Speaker of that Assembly;

(n) the Chief Administrative Officer, Metropolitan Transport Project (Railways), Calcutta; and

(o) four other persons to be nominated by the State Government.

(3) If, for any reason the Chairman of the Metropolitan Authority is unable to attend any meeting of the Advisory Council, such meeting shall be presided over by such person as may be nominated by the Chairman of the Metropolitan Authority.

(4) The Advisory Council shall meet as and when necessary and shall have the power to regulate its own procedure.

(5) The members of the Advisory Council shall hold office for such term, and shall receive such allowances for attending the meetings of the Advisory Council, as may be prescribed.

14. *Constitution of committees.*—(1) The Metropolitan Authority may constitute as many committees, consisting wholly of members of such Authority or wholly of other persons or partly of members of such Authority and partly of other persons and for such purpose or purposes, as it may think fit.

(2) The committee constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be determined by the regulations made in this behalf.

(3) The members of the committee, other than the members of the Metropolitan Authority, shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Metropolitan Authority as may be determined by the regulations made in this behalf.

CHAPTER III

POWERS AND FUNCTIONS OF THE METROPOLITAN AUTHORITY

15. *Functions of the Metropolitan Authority.*—(1) Subject to such rules as may be made by the State Government in this behalf, the Metropolitan Authority shall be responsible for—

(a) the formulation, subject to the approval of the approval of the State Government, of plans for the development of the Calcutta Metropolitan area or such part thereof as it may think fit;

(b) the co-ordination of the execution of plans, approved by the State Government, for the development of any area within the Calcutta metropolitan Area;

(c) the supervision of the execution of any project for the development of any area within the Calcutta Metropolitan Area, the expenses of the whole or any part of which are met from its funds; and

(d) the financing and execution of any project in any plan for the development of the Calcutta Metropolitan Area or any part thereof.

(2) In particular and without prejudice to the generality of the foregoing functions, the Metropolitan Authority shall also discharge the following functions, namely :—

(a) to receive the money paid to it by the State Government under the provisions of the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970, and to apply such money for the purposes specified in sub-section (3) of section 12 of that Act;

(b) to specify the development projects for the implementation of which any money referred to in clause (a) of this sub-section shall, subject to such conditions and restrictions as the Metropolitan Authority may impose, be applied by—

(i) any municipal or other authority within the Calcutta Metropolitan Area, or

(ii) such other authority, not being a local authority or any authority specified in sub-clause (i), as the State Government may, by notification in the Official Gazette, specify in this behalf, or,

(iii) any Department of the State Government :

Provided that the execution of such development project is approved by the State Government;

(c) to receive any money borrowed by it and any money which may be paid to it by any authority other than the State Government;

(d) to apply any money referred to in clause (c) of this sub-section for financing any project for the development of the Calcutta Metropolitan Area or any part thereof; and

(e) to perform such other functions as may be prescribed.

16. *Power of Metropolitan Authority to give directions*—(1) Notwithstanding anything contained in any other law for the time being in force, the Metropolitan Authority may give such directions with regard to the implementation of any development project, as it may think fit, to an authority to which payment of any money has been made under section 15.

(2) The Metropolitan Authority shall so exercise the powers of supervision referred to in clause (c) of sub-section (1) of section 15 as may be necessary to ensure that each development project is executed in the interest of the over-all development of the Calcutta Metropolitan Area and in accordance with the approved plan

17. *Powers of the Metropolitan Authority to execute any plan*—(1) Where the Metropolitan Authority is satisfied that any direction given by it under sub-section (1) of section 16 with regard to any development project has not been carried out by the authority referred to therein or that any such authority is unable to fully implement any scheme undertaken by it for the development of any part of the Calcutta Metropolitan Area, the Metropolitan Authority may itself undertake any works and incur any expenditure for the execution of such development project or implementation of such scheme, as the case may be.

(2) The Metropolitan Authority may also undertake any works in the Calcutta Metropolitan Area as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work.

(3) Where any work is undertaken by the Metropolitan Authority under sub-section (1), it shall be deemed to have, for the purposes of the execution of such work, all the powers which may be exercised under any law for the time being in force by the authority referred to in sub-section (1) of section 16.

(4) The Metropolitan Authority may, for the purpose of carrying out the powers conferred by sub-section (1) and (2), undertake survey of any area within the Calcutta Metropolitan Area and for that purpose it shall be lawful for any officer of the Metropolitan Authority—

(a) to enter in or upon any land and to take level of such land;

(b) to dig or bore into the sub-soil;

(c) to mark levels and boundaries by placing marks and cutting trenches;

(d) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any part of any standing crop; fence or jungle:

Provided that before entering upon any land the Metropolitan Authority shall give notice of its intention to do so in such manner as may be specified in the regulations made under this Act.

CHAPTER IV

MISCELLANEOUS

18. *Compulsory acquisition of land for Metropolitan Authority.*—Any land required by the Metropolitan Authority for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land may be acquired by the State Government in accordance with any law for the time being in force.

19. *Officers and other employees of the Metropolitan Authority to be public servants.*—Every officer and other employee of the Metropolitan Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. (45 of 1860).

20. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Metropolitan Authority for anything done in good faith under this Act.

21. *Power to make rules.*—(1) The Metropolitan Authority may, with the previous approval of the State Government, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) place and time of meetings of the Metropolitan Authority and the procedure to be followed at such meetings;

(b) such other matters as are required to be, or may be, prescribed.

22. *Power to make regulations.*—The Metropolitan Authority may make such regulations as it may think fit for the exercise of its powers and discharge of its functions under this Act.

V. V. GIRI,

President.

Reasons for the enactment

The Government of West Bengal had set up a high-powered planning body named the Calcutta Metropolitan Planning Organisation. This body in collaboration with the Ford Foundation formulated a detailed Basic Development Plan for the Calcutta Metropolitan District in 1966. This envisaged an investment of Rs. 107 crores during first phase of five years. However, the State Government could not take up implementation of this plan in the manner and to the extent proposed in this document. Comparatively small allocations could only be provided for this purpose in the years preceding the Fourth Plan. Even in the Fourth Plan the programme for this area is of the order of Rs. 43.0 crores. This was considered inadequate in view of the magnitude of the problems of the area. Keeping these in view a thorough reappraisal was undertaken and it was decided that a massive development and recovery programme may be undertaken. In this context necessary schemes in various sectors were identified. These schemes totalled up to about Rs. 146.0 crores. It was realised that for financing the envisaged accelerated programme existing plan provisions are inadequate and therefore additional funds would have to be found. With this end in view it was decided that octroi duty should be levied in the Calcutta Metropolitan Area. A Bill called "the Taxes on Entry of

Goods in Calcutta Metropolitan Area Bill, 1970" is already under consideration separately. The Bill envisages a percentage of the tax proceeds to be given by the State Government to an authority for the purpose of financing development programmes and servicing of loans raised for the purpose.

Further, it was considered necessary that additional funds may also be raised by borrowings in the market. Since the Calcutta Metropolitan Area has a large number of municipal and other local authorities it was not considered feasible to let each of these bodies raise loans.

Therefore, it was decided that a high-powered statutory body called the Calcutta Metropolitan Development Authority be set up to raise such loans and to act as the authority envisaged in the aforesaid Bill. In order to secure effective implementation of the Development Plan, it was left that this authority may also perform the functions of formulation of plans, co-ordination of their execution and supervisions of such development projects as are financed by it. The present Bill incorporates these objectives.

The Committee constituted under the proviso to sub-section (2) of section 3 of the West Bengal the State Legislature (Delegation of Powers) Act, 1970 (17 of 1970) has been consulted before enactment of this measure as a President's Act.

Published in the *Gazette of India* Part II—Sec. I, No. 29, dated July 9, 1970/Asadha 18, 1892.

The Calcutta Tramways Company (Taking Over of Management) Amendment Act, 1970

President Act No. 15 of 1970.

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act to amend the Calcutta Tramways Company (Taking over of Management) Act, 1967.

In exercise of the powers conferred by the section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, (17 of 1970), the President is pleased to enact as follows :—

1. *Short title.*—This Act may be called the Calcutta Tramways Company (Taking over of Management) Amendment Act, 1970.

2. *Amendment of section 3.*—In section 3 of the Calcutta Tramways Company (Taking over of Management) Act, 1967 (West Bengal Act XVI of 1967.) (hereinafter referred to as the principal Act), in sub-section (2),—

(i) for the words "three years", the words "four years" shall be substituted;

(ii) in the proviso, for the words "three years", the words "four years" shall be substituted.

3. *Amendment of section 6.*—In section 6 of the principal Act, for the words "three years", the words "four years" shall be substituted.

V. V. GIRI,
President.

Reasons for the enactment

The operation of the Calcutta Tramways Company is governed by the Calcutta Tramways Act, 1951, but in 1967, on the ground that the

Company had not been managing its affairs properly, the State Government enacted the Calcutta Tramways Company (Taking over of Management) Act, 1967.

2. Under section 3(1) of the Act of 1967, the State Government took over the management of the Undertaking. Any order issued under section 3 (1) of the Act can remain in force for a period of three years from the date of its publication in the Official Gazette. The period of three years will terminate on the 19th July, 1970. If the Act is not extended, the Government management will terminate and the management of the Undertaking will revert to the Company. Under the Calcutta Tramways Act, 1951, it is open to the State Government to purchase the Undertaking on the 1st January, 1972 after giving one year's notice or on 1st January of any subsequent year after giving two year's notice. As it is not intended that the management should revert to the Company, it is necessary to continue the present arrangements for the administration of the Undertaking. The West Bengal Government have accordingly proposed that a President's Act may be enacted for the extension of the period of the present management.

3. The proposed Bill, *vis.*, the Calcutta Tramways Company (Taking over of Management) Amendment Bill, 1970, to amend the 1967 Act has been framed to give effect to the extension of the management for a further period of one year with effect from the 19th July, 1970, for the present.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970 (17 of 1970), has approved the enactment of this measure as a President's Act.

Published in the *Gazette of India*, Ext., Part II—Sec 1, dated February 12, 1970.

The Bihar Soil and Water Conservation and Land Development Act, 1970.
President Act 12 of 1970.

Enacted by the President in the Twenty-first year of the Republic of India.

An Act to provide for the preparation and execution of soil and water conservation plan, including plan for land development, allocation of damage by flood and drought, control of grazing for prevention of soil erosion, reclamation of waste land and protection of reservoirs against siltation in the State of Bihar.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), the President is pleased to enact as follows :—

CHAPTER I
Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Soil and Water Conservation and Land Development Act, 1970.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date and in such areas, as the State Government may, by notification in the Official Gazette, appoint and it may appoint different dates for different areas and for different provisions.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Board" means the Bihar Soil and Water Conservation and Land Development Board constituted under section 5;

(b) "Collector" means the Collector or the Deputy Commissioner of a district and includes any officer appointed by the State Government to exercise the powers and discharge the functions of a Collector under all or any of the provisions of this Act;

(c) "District Committee" means the District Soil and Water Conservation and Land Development Committee constituted under section 7;

(d) "District Development Committee" means a District Development Committee constituted under the executive orders of the State Government for a district for which no Zila Parishad has been constituted;

(e) "District Soil Conservation Officer" means the District Soil Conservation and Land Development Officer for the district and includes any officer appointed by the State Government to exercise the powers and discharge the functions of a District Soil Conservation Officer under this Act :

Provided that one person may be appointed to be the District Soil Conservation Officer for more than one district or more than one person may be appointed to be District Soil Conservation Officers in the same district,

(f) "owner" means any person or persons holding land severally, or jointly or in common as a raiyat or an occupancy under-raiyat or a mortgagee of such lands with possession;

(g) "Panchayat Samiti" means a Panchayat Samiti constituted under the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act VI of 1962), and includes a Block Development Committee constituted under the executive orders of the State Government for an area for which no Panchayat Samiti has been constituted;

(h) "Plan" means a plan for the purpose of soil and water conservation and land development prepared under this Act;

(i) "Prescribed" means prescribed by rules made under this Act;

(j) "Soil Conservation Officer", means the Soil Conservation Officer of the area and includes any officer appointed by the State Government to exercise powers and discharge the functions of a Soil Conservation Officer under this Act;

(k) "Sub-divisional Officer" means the officer in charge of the sub-division of a district;

(l) "Waste land" means any land which for a period of not less than five continuous years has been lying waste on account of soil erosion, water logging, salinity, accumulation of sand, growth of weeds or any other cause or which for the period aforesaid has been lying uncultivated;

(m) "work" means any work of public utility constructed, erected or carried out or to be carried out under a plan and includes a pasture or forest provided for or raised under a plan;

(n) "Zila Parishad" means a Zila Parishad constituted under the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act VI of 1962), and includes a District Development Committee;

(o) the expressions "cattle", "forest produce", "timber" and "trees" have the meanings respectively assigned to them in the Indian Forest Act, 1927 (16 of 1927).

CHAPTER II

Notification of areas and Control Over Them.

3. *Notification of areas.*—Whenever the State Government considers that in any area it is expedient to provide for the conservation of soil and water or for the prevention or mitigation of erosion of lands, it may, notification in the Official Gazette, declare the area to be a notified area for the purposes of this Act

4. *Power to regulate, restrict or prohibit certain matters within notified areas.*—In respect of any notified area or part thereof, the State Government may, by order published in the Official Gazette, restrict or prohibit—

(a) the clearing or breaking up of land for cultivation or the cultivation of land;

(b) the quarrying of stone or burning of lime, or manufacturing and burning of bricks;

(c) the cutting of trees and timber, or collection or removal or subjection to any manufacturing process of any forest produce for any purpose;

(d) the setting on fire of trees, timber or forest produce;

(e) the admission, herding, pasturing and retention of cattle including goats, sheep and pigs;

(f) the erection of buildings in such area; and

(g) any other act which hampers the preparation or execution of the plan.

CHAPTER III

Constitution of the Board and the District committees.

5. *Constitution of the Board*—(1) The State Government may, for the purpose of carrying out of the provisions of this Act, by notification in the Official Gazette, constitute, for the State of Bihar, a Board called the Bihar Soil and Water Conservation and Land Development Board.

(2) The Board shall consist of the following members :—

(a) the Minister in charge of Agriculture, and if there is no Minister in charge of Agriculture, any person nominated by the Governor, who shall be the Chairman;

(b) the Chairman of the State Panchayati Raj Board established under the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act VI of 1962), if any;

(c) the Development Commissioner ;

(d) the Agriculture Production Commissioner;

(e) the Director of Agriculture;

(f) the Director of Soil Conservation;

(g) the Chief Conservator of Forests;

(h) the Chief Engineer (Irrigation);

(i) five members of the Bihar Legislative Assembly and two members of the Bihar Legislative Council to be nominated by the State Government.

(3) The Director of Soil Conservation shall be the Secretary of the Board.

(4) The Board may invite any other person or persons to attend meetings of the Board.

(5) The term of office of the members referred to in clause (i) of sub-section (2) shall be three years or such shorter period as the State Government may fix :

Provided that if a member nominated under clause (i) of sub-section (2) is unable by reason of his death, resignation or otherwise to complete his full term of office, the vacancies so caused shall be filled by fresh nomination and the person nominated to fill a casual vacancy shall hold office only for the remainder of the term for which the member, whose place he takes, was nominated.

(6) if there is a difference of opinion amongst the members of the Board regarding any matter under this Act, the decision of the majority of the members present shall prevail :

Provided that when their opinion is equally divided the Chairman shall exercise a casting vote.

(7) A non-official member may, at any time, by notice in writing to the Chairman, resign his office.

(8) All communications and orders of the Board shall be issued by the Secretary or by such officers subordinate to him as may be authorised by the Board in this behalf.

(9) No Act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Board.

6. *Functions of the Board.*—The functions of the Board shall be—

(a) to make recommendations to State Government regarding policies for soil and water conservation measures, in the State ;

(b) to make recommendations to the State Government as to the areas for which soil and water conservation and land development plans may be prepared ;

(c) to consider and approve draft plans to be placed before the Board under the rules made by the State Government under section 28 ,

(d) to perform such other functions as may be specified in this Act or in the rules made thereunder,

7. *Constitution of District Committee.*—(1) For every district in which this Act shall be in force the State Government shall by a notification in the Official Gazette, constitute a committee called the District Soil and Water Conservation and Land Development Committee consisting of following members : —

(i) the Collector, who shall be the Chairman ;

(ii) the Adhyaksha, Zila Parishad ;

(iii) the District Soil Conservation Officer ;

(iv) the District Agricultural Officer ;

(v) the Divisional Forest Officer or Officers ;

(vi) the Subdivisional Officer of the Subdivision to which the scheme relates ;

(vii) four members of the Zila Parishad to be nominated by the Adhyaksha from among the members of the Standing Committee constituted under clause (ii) of sub-section (1) of section 42 of the Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act VI of 1962), or four non-official members of the District Development Committee to be nominated by the Committee where no Zila Parishad has been constituted.

(2) The Committee may invite any person or persons to attend meetings of the Committee.

(3) In the absence of the Collector, the Committee shall elect a Chairman for the meeting.

(4) The District Soil Conservation Officer shall be the *ex-officio* Secretary of the District Committee.

(5) If there is a difference of opinion amongst the members of the District Committee, the decision of the majority of the members present shall prevail :

Provided that when their opinion is equally divided, the Chairman shall exercise a casting vote.

(6)(a) A member referred to in clause (vii) of sub-section (1) may, at any time, by notice in writing to the Collector resign his office.

(b) A casual vacancy caused by the resignation of a member under clause (a) or otherwise, shall be filled by fresh nomination.

(7) All communications and orders of the District Committee shall be issued by the Secretary or by such officer subordinate to him as may be authorised by the District Committee in this behalf.

(8) No act or proceedings of the Committee shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Committee.

8. *Functions of the District Committee.*—The functions of the District Committee shall be—

(a) to make recommendations to the Board as to the areas in the district for which plans may be prepared;

(b) to consider and recommend plans for areas in the district to be placed before the Committee in accordance with the rules framed under section 28 and subject to such conditions as may be prescribed, approve the same;

(c) to carry out the directions issued by the State Government or the Board from time to time with regard to plans;

(d) to perform such other functions pertaining to soil and water conservation and land development as may be specified in this Act or in the rules made thereunder.

CHAPTER IV

PREPARATION OF SOIL AND WATER CONSERVATION AND DEVELOPMENT PLANS

9. *Matters for which the plan may provide.*—A plan may provide for all or any of the following matters, namely :—

(i) prevention or mitigation of erosion of soil;

(ii) preservation and improvement of soil;

(iii) reclamation of waste, saline or water logged land;

(iv) improvement in the methods of cultivation;

(v) construction of earth and masonry works in fields, gullies and ravines;

(vi) training of stream and water courses;

(vii) land levelling, preparation of channels for irrigation and drainage and application of other water management practices in the irrigation commands;

(viii) cultivation of waste or fallow land;

(ix) Prohibition or control of grazing or reservation of land for pasture and deep cultivation by tractors in areas subject to erosion;

(x) planting and preservation of trees, shrubs and grasses for afforesting uncultivable land or providing shelter belts against wind erosion or for any other purpose;

(xi) regulation or prohibition of the setting on fire of vegetation;

(xii) improvement of water supply;

(xiii) retirement of any land from cultivation if its continuance under agriculture is prejudicial to that land or some other land;

(iv) prevention from breaking up marginal and sub-marginal lands for purposes of cultivation;

(xv) consolidation of holdings of cultivators of an area for the better use of land;

(xvi) any other matter which may be prescribed.

10. *Preparation of plans*—(1) A draft plan shall be prepared by the Soil Conservation Officer of the area containing the following particulars, namely :—

(a) the object of the plan;

(b) the boundaries and approximate area of the land to be included in the plan;

(c) the persons, including the Government, who will be affected by the plan;

(d) the work or kind of work to be carried out under the plan and the cost thereof;

(e) the agency or the agencies through which the work shall be carried out;

(f) the total amount to be recovered from owners;

(g) the general rate per acre annum at which such amount is to be recovered from owners;

(h) the period within which the amount is to be recovered;

(i) the work which, in his opinion, shall be maintained and repaired individually or jointly and the name of every such person; and

(j) such other particulars as may be prescribed.

(2) The draft plan so prepared shall be placed before the District Committee which may approve the plan with or without modification or may reject it and cause to be prepared another draft plan, provided that the District Committee shall not approve or recommend any plan which has not received the consent of at least 50 per cent of the owners of the land included in the plan.

11. *Publication of draft plan*.—(1) Copies of every draft plan prepared under sub-section (1) of section 10 together with the connected maps and plans, if any, shall be published in the draft stage by District Soil Conservation officer and shall be made available by him for inspection by the public free of charge, in the offices of Gram Panchayat Panchayat Samitis and Sub-divisional Officers within whose jurisdiction the lands proposed to be included in the draft plan are situated and in his own office;

(2) A general notice in the prescribed form shall be published in the Official Gazette and in such newspapers, if any, circulating in the locality as the District Soil Conservation Officer may direct—

(a) intimating that the draft plan has been prepared that copies thereof have been kept and may be inspected by the public free of charge at the places aforesaid and that copies of the draft plan may be obtained on payment of the cost thereof which shall be specified in the notice from the District Soil Conservation Officer or the Sub-Divisional Officer or Block Development Officer and also from any other officer specified in the notice; and

(b) requiring any person affected by the draft plan who wishes to object to it or to any part thereof, to submit his objections in writing to the District Soil Conservation Officer or to appear before him with his objections within thirty days of the publication of the notice.

(3) A special notice shall be sent to the Panchayat Samitis concerned requiring them to submit such suggestions or objections as they may like to make within thirty days of the receipt of the special notice

(4) The general notice shall also be published by beat of drums in the village or villages to which the draft plan relates

12. *District Soil Conservation Officer to consider objections and submit report to the District Committee.*—The District Soil Conservation Officer shall inquire into the objections received or recorded by him and submit them to the District Committee together with his report there on and his recommendations, if any, for modification of the draft plan.

13. *Sanction of draft Plans* —(1) After considering the objections and the report and the recommendations of the District Soil Conservation Officer and any further report which the District Committee may require from him, the District Committee may accord its approval or, as the case may be, forward the draft plan to the Board with its recommendations.

(2) The Board may approve the draft plan placed before it under the rules with or without modifications or may reject it and direct that in lieu thereof a fresh draft plan be prepared and submitted for its approval.

(3) The draft plan as approved by the District Committee or the Board, as the case may be, shall be submitted by the Board to the State Government for sanction and thereafter the State Government may sanction the draft plan with or without modifications or may reject it and direct that a fresh plan be prepared and submitted for its sanction.

(4) The plan as sanctioned by the State Government, shall be published in the prescribed manner and copies thereof shall be made available in the offices of the Gram Panchayat, the Panchayat Samitis, the Sub-divisional Officer and the District Soil Conservation Officer within whose jurisdiction the lands included in the scheme are situated.

(5) Publication of notices in the prescribed manner shall be treated as final notice for fulfilment of the provisions of this Act.

(6) On and from the date of the publication of the plan under subsection (4) the plan shall come into force and shall have effect.

(7) The State Government may, for the purpose of carrying out the objects of the plan, make regulations requiring any person or persons or the public generally to take certain actions or to refrain from doing certain acts in respect of any matters supplementary and incidental to the plan.

14. *Subsequent changes and corrections of errors in the plan.*—Notwithstanding anything contained in section 13—

(i) The Director of Soil Conservation may make such changes in the plan as are at any stage necessitated by the changes that may occur in the land due to any unforeseen circumstances:

Provided that no such change shall be made to the prejudice of any owner without allowing him an opportunity of being heard:

Provided further that such changes shall be placed before the Board at its next meeting for its approval;

(ii) the District Soil Conservation Officer may, if satisfied that a clerical or arithmetical error exists in the plan, correct the same in the prescribed manner, either on his own motion or on the application of an interested person:

Provided that such changes shall be placed before the District Committee at its next meeting for approval.

CHAPTER V

Execution of plan and maintenance, Repairs and use of work carried out under this plan

15. *Directions to execute work.*—The District Soil Conservation Officer may by notice, require any owner to carry out at his own cost any work which under the plan is to be carried out by the owner at his own cost in the manner and within the period mentioned in the notice.

(2) Where an owner intimates in writing to the District Soil Conservation Officer that he is unable to carry out the work within the time aforesaid or if the work is not carried out to the satisfaction of the District Soil Conservation Officer by the date fixed in that behalf or within such further time as he may allow, the District Soil Conservation Officer shall get the work carried out and, subject to such conditions as may be prescribed, in this behalf, recover the expenses incurred from the owner as arrears of land revenue:

Provided that the District Soil Conservation Officer shall get the work carried out in such a case after serving notice on the owner, and giving him an opportunity to be heard.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where the Collector is of the view that it will be in the interests of general public to have a work carried out by the District Soil Conservation Officer he may direct the District Soil Conservation Officer to carry out the work and cost of such work shall, subject to such provisions as may be prescribed in this behalf, be recovered by the District Soil Conservation Officer as arrears of land revenue from the owner or from the owners in such proportion, as the Collector may fix after taking into consideration the benefits or likely benefits to the land of each owner from that work and other relevant matters.

(4) If the costs are not paid by the owner within the prescribed time, such owner shall also be liable to pay such interests thereon as may be prescribed.

16. *Liability of persons whose lands are not included.*—(1) If in consequence of any work carried out under the plan, any person other than the owner of the land on which the work is done, is likely to be benefited, such person shall pay such amount and within such time as the Collector may determine, to the owner of the land, if the work is carried out by him or to the State Government, if the work is carried out by the District Soil Conservation Officer.

Provided that before any person is required to pay any such contribution, he shall be given a reasonable opportunity for making his representation, if any, in regard to the matter.

Provided further that any such contribution may be waived by the State Government in whole or in part in respect of any work carried out in land owned by it.

(2) If default is made in the payment of such contribution within the time determined in that behalf in pursuance of sub-section (1), the Collector or any Officer authorised by him in his behalf shall recover it from the defaulter and pay the same to the owner of the land or to the State Government, as the case may be.

17. *Preparation of statements.*—(1) The District Soil Conservation Officer shall, on completion of the work, prepare a statement for any specified area giving the following particulars:—

- (i) the name of owner or owners;
- (ii) the work done;
- (iii) the cost thereof,
- (iv) the total amount to be recovered from the owners;
- (v) the general rate per acre per annum at which such amount is to be recovered from owners;
- (vi) the period within which the amount is to be recovered ;
- (vii) the work which, in his opinion, shall be maintained and repaired individually or jointly and the name of every such person;
- (viii) in the case of any survey number or sub division of survey number for which the owner is not liable to repair or maintain works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list of such survey numbers or sub-divisions and the rate at which the cost is to be recovered from the owners of such survey numbers or sub-divisions;

(ix) a map showing the work carried out in the village;

(x) such other matters as may be prescribed

(2) When a statement is prepared under this section, any rights and liabilities shown therein shall be entered in a record to be prepared for the purpose and kept in such manner as may be prescribed in the office of District Soil Conservation Officer and the Panchayat Samiti as a permanent record and shall be open to public inspection and copies where of shall be provided on payment of prescribed fees.

18. *Obligation of persons to maintain and repair works.*—(1) Every person shown in the statement prepared under section 17 as liable to maintain or repair any work, shall, to the satisfaction of the District Soil Conservation Officer and within such time, as the District Soil Conservation Officer may fix, maintain or repair the work on his own land and on any other land in respect of which he is shown as liable in the said statement.

(2) If any person fails to maintain or repair the work within the time fixed by the District Soil Conservation Officer under sub-section (1), the District Soil Conservation Officer shall get the work maintained or repaired by the Panchayat Samiti or through any other agency if the Panchayat Samiti fails to execute the work and recover the cost thereof from such person.

(3) Any dispute as to the liability or the amount of cost shall be decided by the Collector.

CHAPTER VI

PENALTY

19. *Penalty*—Any person who without proper authority damages or obstructs any work under a plan or contravenes any of the provisions of this Act or any rule or order made thereunder, shall, on conviction, be liable to imprisonment for a term which may extend to six months or to a fine which may extend to one thousand rupees or to both and where the offence is a continuing one to further fine which shall not be less than rupees twenty-five for every day during which the offence continues after the date of the first conviction.

CHAPTER VII

Miscellaneous

20. *Sums payable under this Act recoverable as public demand.*—Any sum payable to the State Government under this Act, shall be recoverable as a public demand under the Bihar and Orissa Public Demands Recovery Act, 1914 (Bihar and Orissa Act, IV of 1914).

21. *Procedure and powers of inquiry*—(1) Any officer or authority empowered to make an inquiry under this Act shall, where no specific

provision has been made therefor, make the inquiry in the manner provided in the law relating to revenue inquiries and all the provisions contained in any such law shall, as far as may be, apply to an inquiry under this Act.

(2) Any officer or authority referred to in sub-section (1) shall have the same power of summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in Revenue Officers under the law referred to in that sub-section.

22. *Power to enter upon survey and mark out land.*—(1) Any person authorised generally or specially in this behalf by the State Government or the Collector may along with his staff and workmen for the purpose of exercising any power or performing any function or duty conferred or imposed or entrusted by or under this Act and after giving such notice as may be prescribed, to the owner, occupier or any person interested in any land enter upon, survey and mark out such land and do all acts necessary for purpose.

(2) In particular he may—

(a) take levels;
(b) dig or bore into the sub-soil;
(c) place, erect or make on any land any peg or mark including trenches or boundaries which he deems to be necessary;

(d) do all other acts necessary to ascertain whether the land is suited for such purpose;

(e) where otherwise the survey cannot be completed, cut down and clear away any part of the standing crop, fence or jungle but only to the extent necessary.

(3) Payment in respect of any damage caused to the property or rights of any person in carrying out any operations under the provisions of this Act shall be made to the person—

(a) where an agreement has been entered into with the person concerned, in accordance with the agreement; and

(b) in other cases in accordance with section 5 of the Land Acquisition Act, 1894 (I of 1894).

23. *Appeal*—Any person aggrieved by an order passed under section 15, section 16 or section 18 may appeal within such period and in such manner, as may be prescribed to—

(a) the Commissioner of the Division, if the order has been passed by the Collector or the Deputy Commissioner of the district;

(b) the Collector or the Deputy Commissioner of the District, if the order has been passed by any officer other than the Collector or the Deputy Commissioner of the district

24. *Person authorised to execute work to be deemed as public servant.*—Every person who is appointed or authorised to exercise any power or to perform any function or duty conferred or imposed by or under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and every person who is required to submit any opinion or particular shall be deemed to be legally bound to do so within the meaning of the said Code.

25. *Registration of documents or maps in connection with scheme not required.*—(1) Nothing in the Indian Registration Act, 1908, (16 of 1908) shall be deemed to require the registration of any document or map prepared, made or sanctioned in pursuance of this Act in connection with any plan which has come into force.

(2) All such documents and maps made shall, for the purposes of sections 48 and 49 of the said Act, be deemed to be registered in accordance with the provisions of that Act.

(3) All documents and maps relating to such schemes shall be accessible to the public in the manner prescribed.

26. *Delegation of powers*—The State Government may delegate to any officer or authority sub-ordinate to it any of the powers, functions or duties required to be discharged under this Act.

27. *Provisions of this Act to prevail*.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

28. *Powers to make rules*—The State Government may, by notification in the Official Gazette, make rules for the purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure for and the manner of declaring a person to be an owner;

(b) matters relating to the establishment and constitution of the Board and the District Committee;

(c) the procedure (including quorum) for the conduct of business by the Board and the District Committee;

(d) the categories of plans to be placed before the District Committee and the Board;

(e) functions of the District Soil Conservation Officer and allocation of business to the District Soil Conservation Officers in the same district;

(f) the particulars to be set out in the draft plan;

(g) the time within which the costs of work carried out by the District Soil Conservation Officer shall be paid by the owner and the interest on such costs;

(h) the form in which and the intervals at which report of progress in work shall be submitted by a District Soil Conservation Officer;

(i) the form of statement of rights and liabilities of the owners;

(j) the statements, returns, registers and other records required to be maintained by or under this Act;

(k) the form and manner of service or publication of notices under this Act or the rules made thereunder;

(l) filing and disposal of objections and appeals under this Act and the procedure to be followed in regard thereto;

(m) the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer or authority; and

(n) other matters which are to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

29. *Protection of action taken under the Act.*—(1) No suit, prosecution or other proceeding shall lie against any person for anything done or intended to be done in good faith in pursuance of this Act or any rule made thereunder.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the State Government for any damage caused by anything done or intended to be done in good faith in pursuance of this Act or any rule made thereunder.

V. V. GIRI,
President.

Reasons for the enactment

At present the Soil Conservation works are being undertaken on the cultivator's field through persuasion under an extension programme. Quite often many obstacles come in the way of execution of these works. The desire to have quick return from the land in disregard of the adverse effects on sustained production, often leads the farmers to adopt faulty land-use practices resulting in accelerated soil erosion and impoverishment of soil fertility.

2. The object of the proposed Legislation is to ensure execution of schemes of Soil and Water Conservation in a scientific manner expeditiously. Land and Water Management play an important role in the development of agriculture, protection against drought and floods, domestic and industrial water supply, hydro-electric projects, etc. In order to ensure maximum production from the land, it is essential that the process of soil erosion, which is continuously depleting land fertility particularly in the hilly and sub-hilly regions of the State should be checked. A number of River Valley Projects have been executed in the State and more are likely to be executed in future. In addition, a number of major and minor Irrigation Projects are also being taken up. Soil erosion in the catchments of these projects results in deposition of silt, thereby reducing the effective life of the projects. The Bill provides for the preparation of schemes of soil conservation measures and their maintenance and repairs after their execution.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969), has been consulted before the enactment of this measure as a President's Act.

Published in the *Gazette of India* Ext., Part II-Sec. 1, No. 36 dated August 13, 1970/Sravana 22, 1892.

**The Taxes On Entry Of Goods Into Calcutta Metropolitan Area
Act, 1970.**

President Act No. 18 of 1970

Enacted by the President in the Twenty-first Year of the Republic of India.

An Act to provide for the levy of taxes on the entry of goods of certain kinds into the Calcutta Metropolitan Area for consumption use or sale therein, and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, (47 of 1970) the President is pleased to enact as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Calcutta Metropolitan Area" means the areas within the Calcutta Metropolitan District;

(b) "Calcutta Metropolitan District" means the area described as such in the Schedule to the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965 (West Bengal Act 14 of 1965) and includes such other area, contiguous to the first-mentioned area as the State Government may, by notification, specify;

(c) "dealer", in relation to any specified goods entering the Calcutta Metropolitan Area, means a person,—

(i) who either on his own account or on account of a principal causes such entry, or

(ii) who takes delivery, or is entitled to take delivery, of such goods on such entry.

Explanation I.—When the consignor or consignee of any specified goods entering the Calcutta Metropolitan Area nominates, according to such rules as may be prescribed, a person to be the dealer for the purposes of this act, such person shall be deemed to be a dealer in relation to such specified goods.

Explanation II.—When the consignee of any specified goods entering the Calcutta Metropolitan Area, despatched to such Metropolitan Area by rail, road, water, air or post, does not take delivery of such goods upon such entry and the goods are sold under the provisions of any law, the buyer, who takes delivery of such goods upon the goods being so sold shall be deemed to be the dealer thereof;

(d) "export", with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(e) "notification" means a notification published in the Official Gazette;

(f) "notified place", in relation to any specified goods entering the Calcutta Metropolitan Area, means such railway station, steamer station airport, post office or other place situated in or near the Calcutta Metropolitan Area as the State Government may, by notification, specify;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Schedule" means the Schedule to this Act;

(i) "specified goods" means the goods specified in column 2 of the Schedule;

(j) "year" means the financial year.

3. *West Bengal Act 20 of 1962 not to apply to specified goods.*—The provisions of the West Bengal Taxes on entry of Goods in Local Areas Act, 1962, shall not apply to any goods to which the provisions of this Act apply.

CHAPTER II

Prescribed authority

4. *Power to appoint prescribed authorities*—(1) The State Government shall prescribe an authority (hereinafter referred to as the prescribed authority) for carrying out the purposes of this Act.

(2) The State Government may appoint, or may empower the prescribed authority to appoint, persons to assist the prescribed authority.

(3) Any power, duty or function of the prescribed authority may be delegated to the persons appointed under sub-section (2) in accordance with such rules as may be prescribed.

5. *Prescribed authority, etc., to be public servants.*—The prescribed authority and the persons appointed under sub-section (2) of section 4 shall be deemed to be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (45 of 1860)

CHAPTER III

LEVY AND COLLECTION OF TAXES ON ENTRY OF GOODS INTO THE CALCUTTA METROPOLITAN AREA

6. *Levy and collection of taxes.*—(1) Save as otherwise provided in this Chapter, there shall be levied and collected, for the purposes of this Act, a tax on the entry of every specified goods into the Calcutta Metropolitan Area (for consumption, use or sale therein) from any place outside that Area, at such rate, not exceeding the rate specified in the corresponding entry in column 3 of the Schedule, as the State Government may, by notification, specify.

(2) Subject to such rules as may be made by the State Government in this behalf, no tax shall be levied and collected under this Act on the entry of any specified goods into the Calcutta Metropolitan Area if such goods are brought into that Area—

(a) as personal luggage by a passenger and the value or the number or quantity thereof does not exceed the prescribed amount or limit, as the case may be, or

(b) in such circumstances and subject to such conditions and restrictions as may be prescribed.

7. *Exemption from tax on goods belonging to Government.*—No tax shall be levied and collected under this Act in respect of the entry of any specified goods into the Calcutta Metropolitan Area if such goods are certified by an officer empowered by the Government concerned in this behalf to be the property of Government.

8. *Exemption from tax on goods belonging to certain consular officers.*—Every specified goods brought into the Calcutta Metropolitan Area by or on behalf of such diplomatic or consular officers, stationed in that Area, as may be specified in this behalf by the State Government by any special or general order, shall be exempted from the tax leviable under this Act to such extent and subject to such conditions as may be specified in the said order.

9. *Exemption from tax on goods meant for export.*—Subject to such rules, not inconsistent with the provisions of this Act, as the State Government may make in this behalf, any specified goods which are brought into the Calcutta Metropolitan Area for the immediate export thereof may, at the option of the dealer, be exempted from the tax leviable thereon under this Act, if such goods are conveyed direct from place of entry into the Calcutta Metropolitan Area to the place of export under such supervision and on payment of such fees therefor as may be specified by the said rules.

10. *Persons who shall be liable to pay taxes.*—The tax levied under this Act shall be payable by the dealer in relation to the specified goods.

11. *Recovery of taxes.*—(1) The tax levied under this Act shall be payable on demand and shall be collected by the State Government in such manner and through such agency as that Government may, by notification, specify.

(2) Such portion of the total proceeds of the taxes levied and collected under this Act as the State Government may determine shall be deducted to meet the cost of collection of the taxes.

12. *Application of proceeds of the taxes.*—(1) The proceeds of the taxes levied and collected under this Act (which shall form part of the Consolidated Fund of the State), reduced by the cost of collection as determined under sub-section (2) of section 11, shall, after due appropriation made by law, be applied for the purposes hereinafter specified.

(2) Out of the proceeds of the taxes referred to in sub-section (1), the State Government may, if satisfied that it is necessary so to do, make subject to such conditions as it may think fit to impose, grants to any municipal or other local authority, functioning within the Calcutta Metropolitan Area, to enable such municipal or other authority to supplement its revenue.

Provided that the aggregate of the amounts paid to any municipal or other authority under this sub-section shall not exceed fifty per cent of the amount which bears to the total amount of such proceeds the same proportion as the population in the area within the jurisdiction of such municipal or other local authority bears to the total population of the Calcutta Metropolitan Area.

(3) The balance of the proceeds of the taxes referred to in sub-section (1) shall be paid by the State Government to such authority, as it may, by notification, specify and the amount so paid shall be applied by such authority,—

(a) firstly, for the servicing and repayment of any loan raised by such authority, with the approval of the State Government, to finance any development project within the Calcutta Metropolitan Area, approved by the State Government; and

(b) secondly, for distributing to —

(i) any municipal or other authority within the Calcutta Metropolitan Area; or

(ii) such other authority as the State Government may, by notification, specify; or

(iii) any Department of the State Government, for the execution of any development project, within the Calcutta Metropolitan Area, which has been approved by the State Government.

CHAPTER IV

Assessment and Recovery of Taxes

13. *Declaration to be made by a dealer.*—Every dealer of specified goods shall, on or before the entry of such goods into the Calcutta Metropolitan Area, deliver, at a notified place, to the prescribed authority a declaration (in such form and containing such particulars as may be prescribed) relating to such goods:

Provided that no such declaration shall be required to be made in relation to any specified goods which are exempted by sub-section (2) of section 6, section 7 or section 8 from the payment of any tax leviable under this Act.

14. *Assessment of tax.*—(1) Where a declaration has been made under section 13 by a dealer, the prescribed authority shall, after making such verification of the specified goods as it may consider necessary, assess the tax leviable on the entry of such goods into the Calcutta Metropolitan Area.

(2) Where any dealer has omitted or failed to make the declaration as required by section 13 the prescribed authority shall, after inspection and examination of the specified goods assess the tax leviable under this Act on such goods.

(3) Where any specified goods have been brought into the Calcutta Metropolitan Area without the payment of any tax leviable thereon under this Act, the prescribed authority shall assess the tax leviable under this Act on such goods and it may also impose on the dealer, in the prescribed manner, a penalty, not exceeding ten times the tax assessed by it :

Provided that such assessment shall be made after inspection and verification of such goods, but where such goods are not available for inspection and examination by reason of the fact that such goods have been disposed of, concealed or mixed with any other goods, such assessment shall be made, in such manner and within such time as may be prescribed, to the best of the ability of the prescribed authority :

Provided further that no penalty shall be imposed under this sub-section except after giving the dealer a reasonable opportunity of being heard.

(4) When an assessment has been made under sub-section (1), sub-section (2) or sub-section (3), as the case may be, or any penalty has been imposed under sub-section (3), the prescribed authority shall communicate such assessment or the imposition of penalty, as the case may be, in such form as may be prescribed, to the dealer and demand immediate payment thereof.

(5) An assessment made under this section shall be without prejudice to any prosecution that may be instituted for an offence against this Act.

(6) The prescribed authority may, subject to such conditions as may be prescribed, require any dealer—

(a) to produce before it any accounts, registers or documents;

(b) to furnish any information relating to the stock of goods or purchases, sales or deliveries of goods by the dealer or relating to any other matter, as may be deemed necessary for the purpose of this section.

15. *Payment of taxes.*—(1) The amount of tax assessed under sub-section (1), sub-section (2) or sub-section (3) of section 14 and the amount of penalty imposed under sub-section (3) of that section shall be paid forthwith by the dealer to the prescribed authority and that authority shall, on payment of the assessed amount of the tax and the penalty, if any, grant to the dealer a receipt showing the payment of such amount.

(2) The receipt granted under sub-section (1) shall contain such particulars in relation to the specified goods as may enable the identification thereof.

(3) Every specified goods in relation to which tax leviable under this Act has been paid in full may be taken from one place to another

throughout the Calcutta Metropolitan Area on production of the receipt showing the payment of such tax.

16. *Effect of non-payment.*—If the dealer omits or fails to pay the whole or any part of the tax assessed under sub-section (1), sub-section (2) or sub-section (3) of section 14 or the amount of penalty imposed under sub-section (3) of that section, the prescribed authority may seize the specified goods in relation to which payment has been so evaded.

17. *Short levied tax.*—(1) Where tax levied and collected under this Act in respect of the entry of any specified goods into the Calcutta Metropolitan Area has been short-levied through inadvertence, error or misconstruction on the part of the prescribed authority or through misstatement of the dealer as to the quantity or description or value of such goods or for any other reason, or, when any such tax, after having been levied and collected, has been erroneously refunded, the dealer on whom the tax was so short-levied or the person to whom such refund was erroneously made, shall pay the deficiency or repay the amount erroneously refunded to him as the case may be, within three months from the date on which demand is made for the payment of the amount so short-levied or the amount erroneously refunded.

(2) Where any goods or any part thereof referred to in sub-section (1) have not been transported or removed from the notified place, the prescribed authority may, by order, prohibit the transportation or removal, as the case may be, of such goods until the deficiency in the tax has been paid in full or the amount which had been erroneously refunded is repaid in full.

18. *Unpaid tax to be recovered as an arrear of land revenue.*—Any amount of tax or penalty levied or imposed as the case may be, under this Act, which remains unpaid after a demand, shall be recovered as an arrear of land revenue.

19. *Refund of tax.*—(1) Where the prescribed authority is satisfied upon such proof as may be furnished to it that any specified goods, upon which tax leviable under this Act has been paid, have been exported or conveyed out of the Calcutta Metropolitan Area within a period of six months from the date of entry thereof into that Area without being consumed, used or sold therein, the amount of tax levied and collected for the entry of such goods into that Area shall be refunded to the dealer by whom such tax has been paid:

Provided that where any part of such goods is consumed, used or sold in the Calcutta Metropolitan Area, the refund shall be made in respect of that part of such goods as have not been consumed, used or sold therein:

Provided further that such percentage of the tax, not exceeding five per cent., as the State Government may, by rules, specify in this behalf, may be deducted from the amount of the said refund towards the cost of collection and refund of the tax.

(2) The refund referred to in sub-section (1) shall not be made unless the application for the same is made within one month from the date of exportation or conveyance out of the Calcutta Metropolitan Area, as the case may be, or within such further period as the State Government may, in any special case or class of cases, allow.

(3) Where any amount has been paid in excess of the tax leviable under this Act on any specified goods, the amount which has been so paid in excess shall, on the application of the dealer by whom such tax

has been paid, be refunded to him either in cash or, at the option of the dealer, by the deduction of such amount from any tax payable by such dealer under this Act:

Provided that no refund shall be made under this sub-section unless the application for such refund is made within one month from the date on which the payment of the tax has been declared by the prescribed authority to be in excess of the amount leviable under this Act.

(4) Every refund made under this section shall be subject to such conditions as may be prescribed.

20. *Advance deposit of tax*—(1) The prescribed authority may, in respect of any kind of specified goods, accept from a dealer deposit of a sum which, in the opinion of that authority, is sufficient to cover the tax leviable under this Act and estimated to be payable during a prescribed period by such dealer.

(2) On acceptance of such deposit, the prescribed authority shall issue, in the prescribed form, a receipt showing the amount deposited.

(3) Subject to the prescribed conditions, the receipt referred to in Sub-section (2) shall be sufficient authority for transportation or removal, during the prescribed period, from any notified place of a series of consignments of specified goods so, however, that the aggregate amount of the tax leviable in respect of all such consignments does not exceed the amount of the deposit.

(4) Where any consignments are transported or removed under the receipt referred to in sub-section (2), the prescribed authority shall adjust against the deposit, the taxes leviable in respect of the consignments.

(5) The balance, if any, of the amount of the deposit, remaining at the credit of the dealer at the end of the prescribed period shall, on his application, be refunded to him or may, at his option, be credited towards any deposit in respect of any future period for which such dealer may want to make a fresh deposit.

21. *Transport pass where no tax is leviable*—(1) Where the prescribed authority has found from the evidence adduced before it by the dealer that no tax is leviable under this Act on the entry of any specified goods into the Calcutta Metropolitan Area on the ground that such goods are not intended to be consumed, used or sold in such Metropolitan Area the prescribed authority shall grant a transport pass certifying that no tax is leviable under this Act on such specified goods and every specified goods to which such transport pass relates may be taken from one place to another throughout the Calcutta Metropolitan Area on production of such transport pass.

(2) If the whole or any part of the goods referred to in sub-section (1) is consumed, used or sold in the Calcutta Metropolitan Area, tax shall be levied and collected under this Act on so much of such goods as is consumed, used or sold in the Calcutta Metropolitan Area.

CHAPTER V

Search and Seizure

22. *Power to do certain things for securing compliance with the provisions of this Act*—Subject to such rules as may be prescribed, the prescribed authority may, for securing compliance with the provisions of this Act or for carrying out the purposes of this Act,—

(a) open any package entering the Calcutta Metropolitan Area and examine the contents thereof, with a view to ascertaining whether any tax leviable under this Act is payable for the entry of such goods into that Area;

(b) on the entry in, or at the time of the transportation or removal from, a notified place, of any goods, take samples of such goods for ascertaining whether any tax leviable under this Act is payable;

Provided that such samples shall, if practicable, be restored to the owner thereof or compensation shall be paid therefor to the owner at the market value;

(c) intercept and search any vehicle, animal or any load carried by a person, within the Calcutta Metropolitan Area;

(d) seize any specified goods which it has reason to believe are being, or have been, transported or removed from a notified place in contravention of the provisions of this Act together with any container or other materials for the packing of such goods;

(e) detain at any notified place, any specified goods together with the container or packing thereof;

(f) enter and search any place where it has reason to believe that any stocks, accounts, registers, vouchers or other documents referred to in clause (c) of section 29 are kept, or are being kept for the time being, and if it has reason to believe that tax leviable under this Act, is being evaded, seize and detain them for so long as may be necessary for examination or for the purposes of prosecution.

23. *Storage and sale*—(1) The prescribed authority may, in respect of any specified goods lawfully detained or seized by it, incur such expenditure as may be necessary for the storage of such goods for so long as they remain detained or seized.

(2) The prescribed authority may, at any time after such seizure or detention, by notice issued in the prescribed manner, require the dealer whose goods have been seized or detained, to take delivery thereof before a date specified in the notice after payment of the tax due thereon, if any, together with the expenses incurred under sub-section (1), and penalty, if any, imposed under sub-section (3) of section 14.

(3) (a) If the dealer fails to take delivery of such goods before the date specified in the notice, the prescribed authority may, in the prescribed manner, cause such goods to be put up at public auction for sale for cash on delivery.

(b) If the prescribed authority deems the highest offer made at such a sale to be inadequate, it may adjourn the sale to some other date in the prescribed manner.

(c) The proceeds arising from the sale shall be applied in payment, in order of priority, of—

firstly, the expenses incurred by the prescribed authority under sub-section (1);

secondly, the tax payable, if any, on such goods;

thirdly, the fine, if any, imposed under this Act;

fourthly, the balance, if any, to the dealer, of such goods on application made within one year from the date of the sale.

(d) Notwithstanding any provisions to the contrary, if any specified goods lawfully detained or seized be of a perishable nature, the prescribed authority may, at any time, if it thinks fit, cause them to be sold in

any manner it thinks appropriate in the circumstances, and shall apply the proceeds in the manner provided in clause (c).

CHAPTER VI

Offences and their trial.

24. *Penalties* (1) Whoever,—

(a) omits or fails without any reasonable excuse to make the declaration referred to in section 13, or

(b) evades the payment of any tax or penalty leviable under this Act, or

(c) omits or fails, without any reasonable excuse, to produce any account, register or document or to furnish any information required by the prescribed authority or produces any accounts which are incorrect in material particulars or furnishes any information to the prescribed authority which is false, misleading or inaccurate, or

(d) contravenes the provisions of section 29 or knowingly furnishes incorrect particulars as to the storage or disposal of specified goods, when purporting to comply with the provisions of section 29, or

(e) obstructs the prescribed authority in the exercise of its powers under section 22,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both, and where the offence is a continuing one, with a further fine, not exceeding rupees fifty for every day, excepting the first, during which the offence continues.

(2) The Court may, in addition to any fine imposed, order the confiscation of any goods seized under section 22.

(3) If it be found, when any specified goods are transported or removed from any notified place, that—

(a) the packages in which they are contained differ widely from the description given in the declaration made under section 13; or

(b) the contents thereof have been wrongly defined or mis-stated in the declaration in relation to any particulars required to be stated therein,

the dealer shall be punishable with a penalty not exceeding one thousand rupees

(4) All offences punishable under this Act or the rules made thereunder shall be cognizable and bailable.

(5) No Court shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint made with the previous sanction of the prescribed authority.

25. *Composition of offences*—(1) Subject to such conditions as may be prescribed, the prescribed authority may accept from any person accused of any offence punishable under this Act or the rules made thereunder, by way of composition for such offence, payment of a sum not exceeding double the amount of the tax payable, if any, or a sum of rupees five thousand, whichever is greater.

(2) If payment by way of composition is accepted under subsection (1), no further proceedings shall be taken against the accused in respect of the offence compounded.

26. (1) If the person committing an offence punishable under this Act is a company, the company, and every director, manager, secretary or agent of the company, unless such director, manager, secretary or

agent proves that the offence was committed without his knowledge or consent or that he had exercised all due diligence to prevent the commission of such offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any other officer or person concerned in the management of the company, such other officer or person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means a body corporate and includes a firm or other association of individuals ; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER VII

Appeals

27. *Appeal.*—(1) Any dealer, deeming himself aggrieved by any order passed under this Act, may, in the prescribed manner and within one month from the date of such order, appeal therefrom to such officer of Government as may be prescribed :

Provided that no appeal shall be entertained by such officer unless he is satisfied that an amount equal to fifty per cent of the tax assessed under this Act or such lesser amount as such officer may, after considering all the circumstances of the case, fix, has been deposited by the appellant.

(2) The officer of Government to whom the appeal is made may, after giving the parties an opportunity of being heard and after making such further inquiry, if any, as he deems fit, pass any order, confirming, altering or annulling the order appealed against and may also pass any interim order if he thinks such interim order to be necessary :

Provided that no such order in appeal shall have the effect of subjecting any person to any greater penalty than has been adjudged against him in the order appealed from.

(3) An order passed in appeal under this section shall be final.

28. *Power to take evidence on oath, etc.*—The prescribed authority or the officer of Government hearing an appeal under section 27, shall, for the purposes of this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, (5 of 1908) while trying a suit, in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath or affirmation ;

(b) compelling the production of documents ; and

(c) issuing commissions for the examination of witnesses.

CHAPTER VIII

Miscellaneous

29. *Particulars, accounts, etc., to be maintained and made available in certain cases.*—Every dealer to whom a transport pass has been granted under sub-section (1) of section 21, shall—

(a) furnish to the prescribed authority within the prescribed time such particulars as to the storage and disposal of the specified goods as may be prescribed ;

(b) keep true accounts relating to the stock, purchases and disposal of the specified goods :

Provided that if the prescribed authority is satisfied that the accounts are not sufficiently clear and intelligible for carrying out the purposes of this Act it may require the dealer to keep accounts in such form as may be prescribed ;

(c) make available for inspection by the prescribed authority any stocks of, or accounts, registers, vouchers or other documents relating to, such goods as may be required by the prescribed authority.

30. *Duty of secrecy.*—(1) If, save as otherwise provided under sub-section (2), any servant of Government, except in the discharge in good faith of his duty as such servant, discloses any particulars learned by him in his official capacity in respect of any specified goods, he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine.

(2) Nothing in this section shall apply to the disclosure of any particulars referred to in sub-section (1)—

(i) for the purposes of a prosecution under the Indian Penal Code (45 of 1860), or this Act in respect of such particulars, or any preliminary inquiry for ascertaining whether such prosecution lies, or

(ii) to an officer of the Central Government or the State Government for the audit of receipts and refunds of the tax imposed under this Act ; or—

(iii) to an officer of the Central Government for the purpose of enabling that Government to levy or realise any tax imposed by it.

31. *Orders under this Act not to be questioned in any Civil Court.*—No order passed under this Act by the prescribed authority or the officer of Government hearing an appeal under section 27, shall be called in question in any Civil Court.

32. *Indemnity.*—No suit, or other legal proceedings shall lie against Government and no suit, prosecution or other legal proceedings shall lie against any officer or servant of Government for anything which is in good faith done under this Act or the rules made thereunder.

33. *Power to exempt*—The State Government may, if it is satisfied that it is necessary so to do in the interests of the general public, exempt any specified goods or class of specified goods from any tax leviable under this Act.

34. *Power to make rules*—(1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the procedure for, and other matters (including provisions for payment of fees) incidental to, the disposal of appeals under section 27 ;

(b) any thing which may be or is required to be prescribed under this Act.

(3) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine not exceeding rupees five hundred, and where the offence is a continuing one, with a further fine, not exceeding rupees twenty-five, for every day, except the first, during which the offence continues.

THE SCHEDULE
(See sections 2 and 6)

Serial No.	Specified goods	Rate of tax
1	2	3
Class I— <i>Articles of food and drink.</i>		
1	Coffee, coffee seeds	2 paise per kilograms.
2	Dates, dry	75 paise per 50 kilograms.
3	Dates, wet	50 paise per 50 kilograms.
4	Edibles—	
	(a) bacon, ham	6 per cent <i>ad valorem</i> (1½ per cent <i>ad valorem</i> for dry fruits).
	(b) baking powder, curry powder	Do
	(c) biscuits, cakes, chocolates	Do
	(d) butter, table butter, margarine, lard, other edible animal fat.	Do
	(e) canned fish	Do
	(f) cheese	Do
	(g) cocoa, cocoa beans	Do
	(h) confectionary	Do
	(i) farinaceous foods of all sorts	Do
	(j) food colours, food essences, of all kinds	Do
	(k) fruit juices, all other beverages	Do
	(l) fruits, dried or preserved, excluding fresh fruits	Do
	(m) glucose, dextrose, any fruit sugar, glucose of all other kinds	Do
	(n) honey	Do
	(o) jams, jellies	Do
	(p) malt extract	Do
	(q) meat, fresh or preserved, for whatever use	Do
	(r) milk, condensed or preserved (excepting whole milk, toned milk, skimmed milk powder)	Do
	(s) milk cream, mawa, kheer, chakka, chhana, curd	Do
	(t) nuts, excluding betel nuts	Do
	(u) oilman stores (except edible oils)	Do
	(v) papad	Do
	(w) pickles	Do
	(x) preserved provisions	Do
	(y) saccharin	Do
	(z) all kinds of food or drink not specifically provided for, not being fresh fruits, vegetables or uncanned fish	Do
5.	Ghee	Rs. 4 per 50 kilograms.
6.	Grain, flour, pulses, cereals of all sorts, including gavar, paddy, parched grain, & ya bean:	15 paise per 50 kilograms

Serial No.	Specified goods	Rate of tax
1	2	3
	Provided that wheat or rice weighing up to 10 kilograms when carried as head-loads shall be exempted from the tax leviable under this Act.	
7.	Saffron	7 per cent. <i>ad valorem</i> .
8.	(a) Sugar .	75 paise per 5 kilograms
	(b) Gur of all sorts	20 paise per 50 kilograms
9.	Vanaspathi, hydrogenated oils	Rs. 4 per 50. kilograms.
10.	Wines, spirits, beer	7 per cent. <i>ad valorem</i> .
	CLASS II.— <i>Animals</i>	
11.	Buffaloes, cows, horses, oxen, calves	Rs. 2 per head (50 paise per head for calves.)
12.	Goats, lambs, sheep, kids of goats, lambs or sheep	25 paise per head.
13.	Pigs	50 paise per head.
	CLASS III.— <i>Articles for industrial use and articles used for fuel, lighting, washing and polishing.</i>	
	A.— <i>Articles for industrial use and articles used for fuel</i>	
14.	Charcoal, coal, coke	Rs. 1 per metric tonne.
15.	Industrial alcohols, denatured spirit, methylated spirit	3 per cent. <i>ad valorem</i> .
16.	Mineral oils of all sorts—	
	(a) (i) aviation spirit, diesel oil, petrol	2 paise per litre.
	(ii) furnace oil	Do
	(iii) lubricating oil of all kinds	Do
	(iv) <i>mava</i> oil	2 paise per litre.
	(v) natural gasoline	Do
	(vi) oils used as insecticides	Do
	(vii) paints, solutions, compositions	
	(viii) petroleum products	Do
	(ix) sevasol	Do
	(x) solvent oil	Do
	(xi) spindle oil	Do
	(xii) Turkey red oil, bye-products of mineral oils	Do
	(xiii) white oils	Do
	(xiv) other fuel oils:	Do
	Provided that the nothing hereinbefore contained shall include kerosene and crude oil.	
	(b) crude oil	1 paise per 4 litres.
	(a) grease, petroleum jelly	2 per cent. <i>ad valorem</i> .
	B.— <i>Articles used for lighting</i>	
17.	Articles for electric or gas lighting	2 per cent. <i>ad valorem</i> .
18.	Calcium carbide	3 per cent. <i>ad valorem</i> .
19.	Chandellers, chimneys, electric bulbs, globes	2 per cent. <i>ad valorem</i>

Serial No.	Specified goods	Rate of tax
1	2	3
20.	Crackers, fireworks, their components, safety fuses	5 per cent. <i>ad valorem</i> .
21.	Inedible vegetable oils	Rs. 2 per 50 kilograms (Rs. 1. 50 per 50 kilograms for castor oil).
22.	Oilseeds of inedible oils	50 paise per 50 kilograms
	<i>C.—Articles used for washing and polishing</i>	
23.	Alum, caustic soda, phenyl, potash, refined salt-petre, <i>ritka</i> , saline substances, <i>shikhai</i> , soda, washing soda, other substances, not being soaps, used for washing clothes, floors, utensils	25 paise per 50 kilograms.
24.	Boot polish, metal polish	2 per cent <i>ad valorem</i> .
25.	Soap of all kinds	2 per cent <i>ad valorem</i> .
	<i>CLASS IV.—Articles used in the construction of buildings, roads and other structures and articles made of wood or cane</i>	
26.	Agra stone, clinker, emery stone or powder; flooring stone, stone for building, stone chips	7 paise per 50 kilograms (2 paise per 50 kilograms for rubblet. 4 paise per 50 kilograms for stone metal. 1. 5 paise per 50 kilograms for stone powder).
27.	Asbestos cement sheets	
28.	Asphalt, bitumen, coal, ash, coal tar, manganese	7 paise per 50 kilograms (2 paise per 50 kilograms for rubblet. 4 paise per 50 kilograms for stone metal. 1. 5 paise per 50 kilograms for stone powder.)
29.	Bricks, fire bricks, glazed bricks	2 per cent. <i>ad valorem</i> .
30.	Cement of all sorts	Rs. 2 per metric tonne.
31.	Cement pipes, China pipes, earthen pipes	2 per cent. <i>ad valorem</i> .
32.	Chalk powder	7 paise per 50 kilograms (2 paise per 50 kilograms for rubblet. 4 paise per 50 kilograms for stone metal. 1. 5 paise per 50 kilograms stone powder).
33.	China mosaic chips	2 per cent. <i>ad valorem</i> .
34.	Glass glassware, chinaware, enamelware, all kinds of crockery used for construction or decoration of buildings.	2 per cent. <i>ad valorem</i> .

Serial No.	Specified goods	Rate of tax
1	2	3
35.	Marble pieces	2 per cent. <i>ad valorem</i> .
36.	Mosaic marbles	2 per cent. <i>ad valorem</i> .
37.	Paints, distemper, colour washes used for painting buildings, boiled linseed oil, red oxide, turpentine, varnish, zinc oxide	2 per cent. <i>ad valorem</i> .
38.	Plywood, hard boards, masquite, soft boards, any other kind of wood of whatever composition prepared by artificial process, articles made thereof	4 per cent. <i>ad valorem</i> .
39.	Roofing felt.	1 per cent. <i>ad valorem</i> .
40.	Sanitary fittings, metal valves, brass cocks, their fittings	2 per cent. <i>ad valorem</i> .
41.	Tiles, flooring tiles, mosaic tiles, roofing tiles of all kinds, terrezo, tiles	2 per cent. <i>ad valorem</i> .
42.	(a) Timber, <i>ballies</i> , cane	6 per cent. <i>ad valorem</i> .
	(b) Doors, frames, furniture, pegs, staircases, windows, other articles made of timber, <i>ballies</i> , cane	Do
	(c) Sandalwood, articles made of such wood	Do
43.	Yellow earth, earth of any other kind except red earth	7 paise per 50 kilograms
	CLASS V.— <i>Articles of personal use, household goods, perfumes and toilet requisites</i>	
	A.— <i>Articles of personal use</i>	
44.	(a) Beads of all sorts	2 per cent. <i>ad valorem</i> .
	(b) Brooches, hair pins, garters, suspenders	Do
	(c) Glass bangles	Do
	(d) Laces, tapes	Do
	(e) Imitation ornaments	3 per cent. <i>ad valorem</i> .
	(f) Imitation pearls, articles of imitation jewellery	2 per cent. <i>ad valorem</i> .
	B.— <i>Household goods</i>	
45.	(a) Bakelite, bakelite goods	2 per cent. <i>ad valorem</i> .
	(b) Celluloid, celluloid articles	Do
	(c) Crockery of all sorts	Do
	(d) Embroidery articles	Do
	(e) Forks, spoons, cutlery of all kinds	Do
	(f) Glass, glassware, bottles, chinaware, earthenware, porcelainware (excluding articles used for construction or decoration of buildings)	Do
	(g) Hardware articles	Do
	(h) Locks keys	Do
	(i) Needles of all sorts	Do

Serial No.	Specified goods	Rate of tax
1	2	3
	(j) Plastic, plastic good, plastic powder	2 per cent. <i>ad valorem</i> .
	(k) Rings of wood, rings of metal	Do
	(l) Scissors, knives penknives	Do
	(m) Stoves, petromax, their parts and accessories	Do
	(n) Toys of all kinds	Do
	<i>C—Perfumes</i>	
46.	(a) Aromatic chemicals, attars, scents, scented materials, perfumery of all kinds	2 per cent. <i>ad valorem</i> .
	(b) Incense sticks	Do
	<i>D.—Toilet requisites</i>	
47.	(a) Blades, razors, safety razors	2 per cent. <i>ad valorem</i> .
	(b) Brushes, combs, looking glasses	Do
	(c) Hair oil, perfumed oils	Do
	(d) Pomade	Do
	(e) Shaving cream, shaving sticks	Do
	(f) Toothpaste, tooth powders	Do
	(g) Toller requisites of all other kinds	Do
	<i>CLASS VI.—Tobacco requisites</i>	
48.	(a) Cigar cases, cigarette cases	3 per cent. <i>ad valorem</i> .
	(b) Cigar holders, cigarette holders	Do
	(c) Cigarette lighter	Do
	(d) Cigarette paper	Do
	(e) <i>Hukka</i> , smoking requisites	Do
	(f) Smoking pipes	Do
	(g) Tobacco cases, pouches	Do
	<i>CLASS VII.—Price-goods, cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods</i>	
49.	Cotton; ginned or unginned	Rs. 2 per bale.
50.	Cotton waste, hard waste, yarn waste	25 paise per 59 kilograms.
51.	Hides, skins	1 per cent. <i>ad valorem</i> .
52.	Jute	Re. 1 per bale of 180 kilograms.
53.	Leather, including bags, boxes, chappals, harness, saddles, sandals, shoes, slippers, straps, all other articles made of leather	1 per cent. <i>ad valorem</i> .
54.	Piece-goods of artificial materials, hemp, linen, silk, synthetic materials, wool, articles made up purely or partly of any of the above materials not otherwise specified	1 per cent. <i>ad valorem</i> .
55.	Raw or unspun wool, cocoanut and other fibres, hemp, rope. articles made thereof	1 per cent. <i>ad valorem</i> .
56.	Rubber, rubber goods, gattapurcha, articles made thereof, wholly or partly, rubber solution, raw rubber, latex	1 per cent. <i>ad valorem</i> . (1/2 per cent; <i>ad valorem</i> for raw rubber.
57.	Rubber tyres, rubber tubes	2 per cent. <i>ad valorem</i> .
58.	Starches of all sorts, arrowroots, farina starches, sago rice, sago flour, sizing oils,	

Serial No.	Specified goods	Rate of tax
1	2	3
	sizing materials, tallow, tamarind powder, tapioca, tapioca flour, such substitutes	50 paise per 50 kilograms
59.	Threads of all sorts	1 per cent. <i>ad valorem</i> .
60.	Yarn of all sorts	1 per cent. <i>ad valorem</i>
	CLASS VIII.— <i>Metals and articles made of metals or alloys</i>	
61.	Instruments, apparatus and appliances and parts thereof—	
	(a) cine projection machinery, their com- ponents, spares, materials used there- in	2 per cent. <i>ad valorem</i> .
	(b) clocks, watches, their spares	Do
	(c) optical goods, their spares and accessories	1 per cent. <i>ad valorem</i> .
	(d) photographic machinery, photo goods and materials, their components and spares	2 per cent. <i>ad valorem</i> .
	(e) radios, radiograms, television sets or apparatus, loudspeakers, gramopho- nes, amplifiers, wireless goods, their components and spares	Do
	(f) scientific appliances	1 per cent. <i>ad valorem</i> .
	(g) sewing machines, their spares	2 per cent. <i>ad valorem</i> .
	(h) surgical instruments, hospital require- ments, their spares and accessories	1 per cent. <i>ad valorem</i> .
	(i) surveying apparatus	2 per cent. <i>ad valorem</i> .
	(j) typewriters, their spares	Do
	(k) all other kinds of apparatus, app- liances and spares	Do
62.	Iron and steel—	Rs. 6 per metric tonne
	(a) blooms, billets, slabs	Do
	(b) pig iron	Do
	(c) structural—	
	(i) angles, equal or unequal	Do
	(ii) bars, rods	Do
	(iii) black or galvanised sheets, plain or corrugated	Do
	(iv) bolts, nuts, rivets, washers, such other articles	Do
	(v) bulbs or toe	Do
	(vi) channels	Do
	(vii) fishplates for light rails	Do
	(viii) hoops, strips	Do
	(ix) joists	Do
	(x) light rails	Do
	(xi) pipes	Do
	(xii) plates, ordinary mild steel including boiler and high tensile ship building or bullet proof	Do

Serial No.	Specified goods	Rate of tax
1	2	3
	(xiii) shell, steel ingots, blooms, billets, bars	Do
	(xiv) spring steel, vehicular or flat bars	Do
	(xv) wire, barbed, telegraph or other kinds of black or galvanised	Do
	(xvi) wire nails	Do
63.	Iron and steel—any other articles manufactured from iron or steel other than cutlery, hardware, machines or machine parts not specifically provided for	Rs. 6 per metric tonne
64.	Iron and steel—scrap	Rs. 6 per metric tonne
65.	Machinery, their components and spares—	
	(a) agricultural machinery, their parts	2 per cent. <i>ad valorem</i> .
	(b) (i) electrical domestic appliances	Do
	(ii) electrical fittings, electrical materials	Do
	(iii) electrical machinery of all kinds, alternators, control switch gear, dynamos, generators, motors, transformers, turbo-generating sets	Do
	(iv) electric goods including batteries, cells, copper strips, horn electric	Do
	(v) electric machinery for generation, transmission and distribution, motors, generators, their components and their spares	Do
	(c) oil engines, diesel engines, gas engines, petrol engines steam engines, machines worked by hydraulic pressure, their parts printing presses, machines, their spares tools all kinds	Do
	(e) any other machinery, its components and spares not specifically provided for	Do
66.	Non-ferrous metals, that is to say, aluminium, brass, copper, German silver, lead, stainless steel, tin, zinc, their alloys wires, wares and sheets ingots and circles	Rs. 1 per 50 kilograms
67.	Vehicles—	
	(a) motor cars, motor cycles, chassis, lorries	3 per cent. <i>ad valorem</i> .
	(b) bicycles, carriages, perambulators, all other kinds of vehicles, their components and spares	2 per cent. <i>ad valorem</i> .
CLASS IX.—Miscellaneous		
68.	Chinaware, porcelainware, electric insulators not otherwise specified	2 per cent. <i>ad valorem</i>
69.	(a) Cinema films, all films raw	Rs. 4 per 300 metres.
	(b) Cinema film processed and reels	Do
70.	Dyes, indigo, tans, all colouring matter, including printing pastes, inks	2 per cent. <i>ad valorem</i> .

Serial No.	Specified goods	Rate of tax
1	2	3
71.	Lac, cork, articles made thereof	1 per cent. <i>ad valorem</i> .
72.	Mill stores, gin stores, including crucibles, cotton ropes	2 pes cent. <i>ad valorem</i> .
73.	Molasses	75 paise per metric tonne.
74.	Paper— (a) cardboards, strawboards, grey boards, mill-boards	50 paise per 50 kilograms
	(b) newsprint	Do
	(c) all kinds of paper of whatever composition and thickness	Do
75.	Photographic chemicals, films, mounts	2 per cent. <i>ad valorem</i> .
76.	Sculptured articles of clay, metal, stone, wood, other articles and earthenware	2 per cent. <i>ad valorem</i> .

Explanation.—For the purpose of ascertaining the amount of any tax leviable under this Act, value of any specified goods shall be determined in such manner and in accordance with such criteria as may be prescribed.

V. V. GIRI,
President.

PART IV

Rajasthan Acts, Ordinances & Notifications, Rajasthan Government High Court & Bar Council

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Published in the *Rajasthan Gazette*, Ext., Part 4 (Kha) dated
January 8, 1970.

The Rajasthan (Prohibition of Prejudicial Acts) Ordinance, 1970.
Rajasthan Ordinance No. 1 of 1970.

An Ordinance to prohibit commission of certain prejudicial acts in Rajasthan.

Whereas the Rajasthan Legislative Assembly is not at present in session and the Governor of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action :

Now, therefore, in exercise of the powers conferred on him by article 213 of the Constitution of India, the Governor of the State of Rajasthan hereby makes and promulgates in the Twentieth Year of the Republic of India, the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Rajasthan (Prohibition of Prejudicial Acts) Ordinance, 1970.

2. *Interpretation.*—In this Ordinance—

(a) "Government" means the Government of the State of Rajasthan;

(b) "prejudicial act" means any act which is intended or is likely to encourage or incite any class of persons, or the public generally to refuse or defer payment of any land revenue, tax, rate, cess or other dues or amount payable to Government or any local authority, or payable under any law or custom having the force of law for any service rendered to the community or any rent of agricultural land or anything recoverable as arrears of or along with such rent and which tends to or is likely to create immediate threat to public peace or order.

Prohibition of prejudicial acts—Any person who without any lawful authority or excuse does any prejudicial act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

Procedure.—An offence under this Ordinance shall be cognizable and non-bailable and shall be triable by a Magistrate of the First Class having jurisdiction over the area in which the offence is committed.

HUKAM SINGH,
Governor of Rajasthan.

Published in the *Rajasthan Gazette* Ext., Part 4 (Kha), dated
January 10, 1970

**The Industrial Disputes (Rajasthan Amendment) Ordinance, 1970.
Rajasthan Ordinance No. 2 of 1970.**

An Ordinance further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947) in its application to the State of Rajasthan.

Whereas the Rajasthan Legislative Assembly is not now in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf ;

Now, therefore, in exercise of the powers conferred on him by Article 213 of the Constitution of India and under instructions from the President of India, the Governor of the State of Rajasthan hereby makes and promulgates in the Twentieth Year of the Republic of India the following Ordinance namely :—

1. *Short title.*—This Ordinance may be called the Industrial Disputes (Rajasthan Amendment) Ordinance, 1970.

2. *Insertion of new section 30A in Central Act 14 of 1947*—After section 30 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), hereinafter referred to as the principal Act, in its application to the State of Rajasthan, the following new section shall be inserted, namely :—

30A. *Penalty for contravention of an order made under section 10K.*—Any person who contravenes an order issued by the State Government in pursuance of section 10K of the Act shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both."

3. *Amendment of section 33C, Central Act 14 of 1947.*—In sub-section (1) of section 33C of the principal Act, after the expression "Chapter VA", the expression "or under an order issued by the State Government under section 10K of the Act" shall be inserted.

HUKAM SINGH,
Governor of Rajasthan.

Published in the *Rajasthan Gazette*, dated December 25, 1969.

REVENUE (B) DEPARTMENT

S. O. 77.—Jaipur, October 31, 1969.—In exercise of the powers conferred by sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules to amend the Rajasthan Land Revenue (Survey Record and Settlement) (Government) Rules, 1957, namely :—

1. *Short title.*—These rules may be called the **Rajasthan Land Revenue (Survey, Record and Settlement) Government Amendment Rules, 1969.**

2. *Amendment of rule 21.*—In sub-rules (1) and (2) of rule 21 of the Rajasthan Land Revenue (Survey, Record and Settlement) Government Rules, 1957, for the words "estate holders", the words "land holders" shall be substituted.

S. O. 78.—Jaipur, October 31, 1969.—In exercise of the powers conferred by clause (xiviii) of sub-section (2) of section 261, of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules to amend the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1957, namely :—

1. *Short title.*—These rules may be called the **Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Amendment Rules, 1969.**

2. *Amendment of rule 13.*—After clause (iv) of sub-rule (1) of rule 13 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1957, the following clause shall be added, namely :—

(v) Two members of the Scheduled Caste/Scheduled Tribe of the Panchayat Samiti of the area. If there are more than two members belonging to Scheduled Caste/Tribe in a Panchayat Samiti, the Panchayat Samiti concerned shall nominate two members to the Advisory Committee."

S. O. 79.—Jaipur, October 31, 1969.—In exercise of the powers conferred by sub-section 2 of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules to amend the Rajasthan Land Revenue (Land Records) Rules, 1957, namely :—

1. *Short title.*—These rules may be called the **Rajasthan Land Revenue (Land Records) (Amendment) Rules, 1969.**

2. *Amendment of rule 26.*—In the Statement given under rule 260 of the Rajasthan Land Revenue (Land Records) Rules, 1957, after serial number 23, the following shall be added, namely :—

"24 Mesta	First	1st July	10th July	31st July
	Second	21st September	1st October	20th October
	Third	10th February	20th February	7th March."

S. O. 80.—Jaipur, September 27, 1969.—In exercise of the powers conferred by sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the State Government hereby makes the following rules to amend the Rajasthan Land Revenue (Land Records) Rules, 1957, namely :—

1. *Short title.*—These rules may be called **Rajasthan Land Revenue (Land Records) (Amendment) Rules, 1969.**

2. *Amendment of Rule 175.*—In rule 175 of the Rajasthan Land Revenue (Land Records) Rules, 1957,—

(i) for the words "conveyance allowance" wherever occurring, the words "fixed travelling allowance" shall be substituted; and

(ii) for clause (i), the following clause shall be substituted, namely :—

"(i) that during each quarter of the year he remains on tour for 45 days and spends 45 nights at points beyond a radius of 5 miles from his headquarters in testimony whereof a certificate to that effect of the Tehsildar will be appended to his salary bill."

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha), dated
December 3, 1969.

The Rajasthan Money-Lenders (Amendment) Ordinance, 1969
Rajasthan Ordinance 10 of 1969.

An Ordinance to amend the Rajasthan Money-Lenders Act, 1963.

Whereas, the Rajasthan State Legislative Assembly is not at present in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of the State of Rajasthan, with

previous instructions from the President of India, is hereby pleased to make and promulgate in the Twentieth Year of the Republic of India the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Rajasthan Money-Lenders (Amendment) Ordinance, 1969.

2. *Amendment of clause (10) of Section 2, Rajasthan Act 1 of 1964.*—For the existing sub-clause (a) of clause (10) of section 2 of the Rajasthan Money-Lenders Act, 1963 (Rajasthan Act 1 of 1964) hereinafter referred to as the principal Act, the following sub-clause shall be substituted, namely :—

“(a) carries on the business of money-lending in an amount exceeding twenty five thousand rupees in a year in the State; or”

3. *Amendment of section 22, Rajasthan Act 1 of 1964.*—For the existing section 22 of the principal Act, the following section shall be substituted, namely :—

“22. *Duty of money-lenders to keep accounts and give receipts*—(1) Every money-lender shall regularly keep accounts which are traditionally kept in the ordinary course of such business.

(2) No money-lender shall accept from a debtor any article as a pawn, pledge or security for a loan without giving him a plain signed receipt for the same with its description estimated value, the amount of the loan advanced against it and such other particulars as may be prescribed. Such money-lenders shall maintain the duplicates of such receipts in a separate register.

(3) No money-lender shall receive any payment from a debtor on account of any loan without giving him a clear and complete receipt in the form prescribed for the payment and every money lender shall take the signatures of the debtor on the counterfoil of the receipt maintained for the purpose.

(4) Every money-lender shall upon repayment of a loan in full, mark indelibly every paper signed by the debtor with words indicating payment or cancellation, and discharge every mortgage, restore every pledge, return every note and cancel or re-assign every assignment given by the debtor as security for the loan.”

4. *Amendment of section 23, Rajasthan Act 1 of 1964.*—In sub-section (1) of section 23 of the principal Act, for the words “of any amount,” the words “of every loan exceeding fifty rupees” shall be substituted.

5. *Amendment of section 24, Rajasthan Act, 1 of 1964.*—In sub-section (1) of section 24 of the principal Act, the expression “sub-section (2) or sub-section (3) of section 22 or” shall be omitted.

6. *Amendment of section 25, Rajasthan Act 1 of 1964.*—For the existing section 25 of the principal Act, the following section shall be substituted namely :—

“25. *Debtor not bound to admit correctness of accounts.*—A debtor to whom a statement of accounts has been delivered or caused to be delivered under section 23 shall not be bound to acknowledge or deny its correctness and his failure to do so shall not, by itself, be deemed to be an admission of the correctness of the accounts.”

7. *Amendment of section 26, Rajasthan Act 1 of 1964.*—In the explanation to section 26 of the principal Act, the words “or a pass book” shall be omitted

8. *Amendment of section 36, Rajasthan Act 1 of 1964.*—For the existing section 36 of the principal Act, the following section shall be substituted, namely :—

“36 *When interest to be paid for entire month.*—Notwithstanding any agreement between the parties or any law for the time being in force, when a statement is delivered under section 23 or if accounts are taken under section 34 or a tender or remittance is made by a debtor a money-lender in respect of a loan under section 35 before the tenth day of a calendar month, the interest due shall be calculated as payable for fifteen days of the said month and if the statement is delivered or accounts are taken or tender or remittance is made on any subsequent day, than for the entire calendar month irrespective of the fact that such statement is delivered or such accounts are taken or such tender or remittance is made on any such day ”

9. *Omission of section 39, Rajasthan Act 1 of 1964.*—Section 39 of the principal Act shall be omitted.

10. *Amendment of section 43, Rajasthan Act 1 of 1964.*—In section 43 of the principal Act,—

(a) in the table given below sub-section (1) thereof for the expression “22(4) and (5)”, the expression “22(2) and (3)” shall be substituted and the entry relating to molestation shall be omitted from all the three columns of the said table; and

(b) in clause (a) of sub-section (2) thereof, for the expression “section 22, sub-section (2)”, the expression “sub-section (4) of section 22” shall be substituted and after the expression “section 23” in the said clause, a comma shall be inserted.

11. *Amendment of section 48, Rajasthan Act, 1 of 1964.*—In section 48 of the principal Act, —

(a) for clause (h) of sub section (2) thereof, the following clause shall be substituted, namely :—

“(h) other particulars to be contained in the receipt to be given under sub-section (2) of section 22 and the form of receipt to be given under sub-section (3) of the said section;” and

(b) clauses (i) and (j) of sub-section (2) thereof shall be omitted.

HUKAM SINGH,
Governor of Rajasthan,

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha), dated December 10, 1969.

The Rajasthan Land Revenue (Amendment) Ordinance, 1969.
Rajasthan Ordinance No. 11 of 1969.

An Ordinance further to amend the Rajasthan Land Revenue Act, 1956.

Whereas, it is expedient further to amend the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) ;

And whereas, the Rajasthan Legislative Assembly is not at present in session ;

And whereas, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf ;

Now, therefore, in exercise of the power conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Twentieth Year of the Republic of India the following Ordinance, namely :—

6 THE INDUSTRIAL DISPUTES (RAJASTHAN AMENDMENT) ORDINANCE, [1970
1969

1. *Short title*—This Ordinance may be called the Rajasthan Land Revenue (Amendment) Ordinance, 1969.

2. *Amendment of section 4, Rajasthan Act 15 of 1956*.—In section 4 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956),—

(a) for sub-section (4), the following sub-section shall be substituted namely :—

“(4) The State Government shall prescribe the qualifications of persons who shall be eligible for appointment as Chairman and member of the Board, the method of their selection for appointment and the conditions of their service :

Provided that till the qualifications of persons to be eligible for appointment as Chairman and Members of the Board are prescribed by the Government and appointments are made in accordance therewith, their qualifications shall continue to be the same as prescribed by sub section (4) as it stood immediately before the commencement of the Rajasthan Land Revenue (Amendment) Ordinance, 1969”

(b) after sub-section (4) as so substituted, the following new sub-section (5) shall be inserted, namely :—

“(5) The Constitution of the Board shall not be deemed to be invalid if any vacancy occurs on account of the death, resignation, expiry or termination of the appointment or temporary absence of the Chairman or of any member.”

HUKAM SINGH,
Governor of Rajasthan.

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha), dated
December 18, 1969.

**The Industrial Disputes (Rajasthan Amendment) Ordinance,
1969**

Rajasthan Ordinance No 13 of 1969.

An Ordinance further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947) in its application to the State of Rajasthan.

Whereas the Rajasthan Legislative Assembly is not now in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred on him by Article 213 of the Constitution of India and under instructions from the President of India the Governor of the State of Rajasthan hereby makes and promulgates in the Twentieth Year of the Republic of India the following Ordinance, namely:—

1. *Short title*.—This Ordinance may be called the Industrial Disputes (Rajasthan Amendment) Ordinance, 1969.

2. *Insertion of new section 10K in Central Act 14 of 1947*.—After section 10J of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) as amended by the Industrial Disputes (Rajasthan Amendment) Act, 1958 (Rajasthan Act 34 of 1958) the following new section shall be inserted, namely:—

‘10K. *State Government may lay down terms and conditions of employment and prohibit strikes, etc.*—(1) Notwithstanding anything contained in the Act, if in the opinion of the State Government, it is necessary or expedient so to do, for securing the public safety or convenience or

the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or maintaining industrial peace, it may by a general or special order, make provision—

(a) for requiring employers, workmen or both to observe for such period as may be specified in the order, such terms and conditions of employment as may be determined in accordance with the order; and

(b) for prohibiting subject to the provision of the order strikes or lockouts generally or a strike or lockout in connection with any industrial dispute.

(2) In case any industrial dispute is raised in respect of any provisions in the order of the State Government made under sub-section (1) within a period of three months of the order, it shall be referred by the State Government for adjudication to an Industrial Tribunal and the order shall lapse when the Award of the Tribunal becomes enforceable:

Provided, however, that the reference of the Industrial dispute to adjudication shall not have the effect of staying the operation of the order."

HUKAM SINGH,
Governor of Rajasthan.

Published in the *Rajasthan Gazette*, Part 4(Kha), dated December 18, 1969

**The Rajasthan Tenancy (Amendment) Ordinance, 1969.
Rajasthan Ordinance No. 12 of 1969.**

An Ordinance further to amend the Rajasthan Tenancy Act, 1955.

Whereas the Rajasthan Legislative Assembly is not at present in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Rajasthan Tenancy Act, 1955 in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred on him by Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Twentieth Year of the Republic of India, the following Ordinance, namely:—

1. *Short title*—This Ordinance may be called the Rajasthan Tenancy (Amendment) Ordinance, 1969.

2. *Amendment of section 43, Rajasthan Act 3 of 1955.*—For the existing section 43 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), the following section shall be substituted, namely:—

"43. *Mortgage*—(1) A Khatedar tenant, or with the general or special permission of the State Government or any officer authorised by it in this behalf a, ghair Khatedar tenant, may hypothecate or mortgage his interest in the whole or part of his holding for the purpose of obtaining loan from the State Government or a Land Development Bank as defined in the Rajasthan Co-operative Societies Act, 1965 (Act 13 of 1965) or a Co-operative Society registered or deemed to be registered as such under the said Act or any Scheduled Bank or any other institution notified by the State Government in that behalf.

(2) A Khatedar tenant may transfer his interest in the whole or part of his holding in the form of usufructuary mortgage to any person

but such mortgage must provide that the mortgage amount shall be deemed to be paid off by the usufruct of the property within a specified time not exceeding ten years, and in the absence of such period being specified such mortgage shall be deemed to be for ten years.

(3) A usufructuary mortgage under sub-section (2) shall, upon the expiry of the period mentioned hereinbefore, be deemed to have been satisfied in full without any payment whatsoever by the mortgagor, and the mortgage debt shall be deemed to have been extinguished and the mortgaged land redeemed and the possession thereof shall be delivered by the mortgagee to the mortgagor free from all encumbrances.

(4) If the mortgagee does not so redeliver the possession of the land mortgaged, he shall be deemed to be a trespasser and liable to ejectment in accordance with sub-section (1) of section 183."

HUKAM SINGH.
Governor of Rajasthan.

Published in the *Rajasthan Gazette Ext.*, Part 4 (Ga), dated December, 31, 1969.

RELIEF DEPARTMENT

S. O. 225.—Jaipur, December 31, 1969—Whereas the State Government is of the opinion that it is necessary so to do for maintaining and securing supply of fodder at fair price and for controlling movement of fodder within and outside the State;

Now, therefore in exercise of the powers conferred under clauses (c) (d) and (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (Central Act No. 10 of 1955), read with the Notification of the Government of India in the Ministry of Food, Agricultural, Community Development and Cooperation (Department of Agriculture) No. 24-5/67-L.D. III, dated 14th October, 1968, the State Government hereby makes the following Order to amend the Rajasthan Cattle Fodder (Sale of Stocks and Prohibition of Export) Order, 1969, namely :—

1. *Short title.*—This Order may be called the **Rajasthan Cattle Fodder (Sale of Stocks and Prohibition of Export) Amendment Order 1969.**

2. *Amendment of sub-clause (4) of the clause 1 of Order*—In sub-clause of (4) clause 1 of the Rajasthan Cattle Fodder (Sale of Stocks and Prohibition of Export) Order 1969, the words and figures "31st December, 1969" shall be substituted by the words and figures "30th June, 1970."

Published in the *Rajasthan Gazette Ext.* Part 4 (ga), dated January 1, 1970.

G.S.R.105.—Jaipur, October 30, 1969—In exercise of the powers conferred by section 11 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act 1 of 1957), the State Government hereby makes the following amendments in the **Rajasthan Agricultural Loans (Taqqavi) Rules 1958**, as originally published under Revenue Department Notification No. F3 (13) Rev. II/53 dated the 13th February, 1958, in the Rajasthan, Rajpatra, ordinary, part IV-C dated the 17th April, 1958, at page 173 to 201, namely :—

AMENDMENTS

In the Rajasthan Agricultural Loans (Taqavi) Rules, 1958—

1. In sub-rule (1) of rule 4, the word "Government" shall be substituted by the words "Board of Revenue."

2. In sub-rule (2) of rule 4, the words "Revenue Department" shall be substituted by the words "Board of Revenue."

3. In rule 5, the word "Government" shall be substituted by the words "Board of Revenue."

4. In rule 6, the word "Government" shall be substituted by the words "Board of Revenue"

5. In sub-rule (2) of rule 11, the word "Commissioner" shall be substituted by the words "Board of Revenue."

6. In rule 22, the words and punctuation mark "the Lambardar; as also from the Sub-Registrar" shall be substituted by the words "from the Sub Registrar."

7. In sub-rule (1) of rule 34, the word "Commissioner" shall be substituted by the words "Board of Revenue."

8. In rule 35, the word "Lambardars" shall be deleted.

9. In rule 69, the words "Revenue Department" shall be substituted by the words "Board of Revenue."

10. In rule 71, the words "Government in the Revenue Department" shall be substituted by the words "the Board of Revenue."

11. The existing Rule 73 shall be substituted by the following:—

"73. These statements shall be prepared in duplicate and sent to the Board of Revenue who will examine it thoroughly as to which of the districts have been slack in effecting recovery and enquire into the reasons of the slackness. The Board of Revenue will send one copy of the statement to the Government in the Revenue Department.

Published in the *Rajasthan Gazette* Ext., Part IV (Kha), dated
January 20, 1970.

LAW DEPARTMENT

No. F. 10 (1)-L/70. Jaipur, January 20, 1970.—The following translation in English, authorised by the Governor, of the order of the Governor dated 20th January, 1970 is hereby published for general information:—

In exercise of the powers conferred by sub-clause (b) of clause (2) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan hereby withdraws the **Rajasthan (Prohibition of Prejudicial Acts) Ordinance, 1970**. (Rajasthan Ordinance 1 of 1970).

Published in the *Rajasthan Gazette* Part 4 (Ga), dated December 25, 1969.

LAW & JUDICIAL DEPARTMENT

S O 210. Jaipur, December 17, 1969.—In exercise of the powers conferred by sub section (1) of section 7 of the **Rajasthan Civil Court Ordinance, 1950** (Ordinance 7 of 1950) read with sub-section (1) of section 12 and 16 thereof, the State Government hereby creates with effect from the 1st day of January, 1970, the following courts of Munsiffs with headquarters at the places and with jurisdiction extending over the areas specified against them, namely:—

S. No.	Name of the court	Place of head-quarters.	Extend of jurisdiction.
1.	Munsiff, Dungarpur	Dungarpur	Dungarpur Aspur and Kherwara Tehsils
2.	Munsiff Nagaur	Nagaur	Nagaur Sub-Division.

Published in the *Rajasthan Gazette*, Ext., Part 4 (Ga), dated December 20, 1969.

FINANCE DEPARTMENT

G. S. R. 77.—Jaipur, December 20, 1969.—In exercise of the powers conferred by Section 10 of the Indian Stamp Act, 1899 (Central Act II of 1899) as adapted to the State of Rajasthan by the Rajasthan Stamp Law Adaptation Act, 1952 (Act VII of 1952), the State Government makes the following further amendment in the **Rajasthan Stamp Rules, 1955**, namely:—

AMENDMENT

In rule 14 of the said Rules after clause (j), the following new clause (k) shall be added, namely:—

“(k) Instruments chargeable with duty under Article 26 (a) and (b) of the Second Schedule.”

Published in the *Rajasthan Gazette* Part 4 (Ga), dated December 1, 1969.

FINANCE DEPARTMENT

S. O. 186.—Jaipur, December 1, 1969.—In exercise of the powers conferred by sub-section (1A) of section 9 of the **Rajasthan Excise Act, 1950** (Rajasthan Act, 2 of 1950) and in supersession of this Department Notification No. F. 3 (93) FD/EX/66 dated 26th July, 1967, the State Government hereby appoints with effect from 1st December, 1969 the Officers specified in column No. 2 of the table appended hereto as District Excise Officers incharge of districts and with headquarters at the places specified against each respectively in columns Nos. 3 and 4 thereof.

TABLE

S. No.	Designation of Officers	Revenue Districts of which the officer shall be incharge	Headquarters
1	2	3	4
1.	District Excise Officer, Ajmer.	Ajmer, Sawai Madhopur and Tonk.	Ajmer
2.	District Excise Officer, Alwar.	Alwar and Bharatpur.	Alwar.
3.	District Excise Officer, Bikaner.	Bikaner, Churu and Nagaur.	Bikaner.
4.	District Excise Officer, Ganganagar.	Ganganagar.	Ganganagar.
5.	District Excise Officer, Jaipur.	Jaipur, Sikar and Jhunjhunu	Jaipur.
6.	District Excise Officer, Jodhpur.	Jodhpur, Jaisalmer, Pali, Barmer and Jalore.	Jodhpur.
7.	District Excise Officer, Kota.	Kota, Bundi and Jhalawar.	Kota.
8.	District Excise Officer, Udaipur.	Chittorgarh, Bhilwara and Udaipur (except tehsils Jhadol, Kotra and Kherwara of Udaipur District).	Udaipur.

9. District Excise Officer, Dung Dungarpur, Banswara, Sir- Dungarpur
ohi and Tehsils Jhadol, Kotra
and Kherwara of Udaipur
District.

Published in the *Rajasthan Gazette* Part 4 (Ga), dated December 15, 1969.

PANCHAYAT & DEVELOPMENT DEPARTMENT

S. O. 194.—Jaipur, December 12, 1969.—In exercise of the powers conferred by the proviso to sub-section (1) of section 7 of the **Rajasthan Panchayat Act, 1953** (Rajasthan Act 21 of 1953), the State Government hereby extends the term of office of all the Panchayats within Jodhpur, Jaisalmer, Barmer, Bikaner, Jalore, Nagpur and Pali Districts in the State of Rajasthan for a period of one year from the 21st January, 1970 to the 20th January, 1971.

S. O. 195.—Jaipur, December 12, 1969.—In exercise of the powers conferred by the first proviso to sub-section (1) of section 14 of the **Rajasthan Panchayat Samitis and Zila Parishads Act, 1959** (Rajasthan Act 37 of 1959), the State Government hereby extends the term of office of all the Panchayat Samitis within Jodhpur, Jaisalmer, Barmer, Bikaner, Jalore, Nagour and Pali Districts in the State of Rajasthan for a period of one year from 8-2-70 to 7-2-71.

S. O. 196.—Jaipur, December 12, 1969 — In Exercise of the powers conferred by the first proviso to sub-section (1) of section 46 of the **Rajasthan Panchayat Samitis and Zila Parishads Act, 1959** (Rajasthan Act 37 of 1959), the State Government hereby extends the term of office of all the Zila Parishads within Jodhpur, Jaisalmer, Barmer Pali, Bikaner, Jalore and Nagour Districts in the State of Rajasthan for a period of one year from 26-2-70 to 25-2-71.

The Rajasthan Homoeopathic Medicine Act, 1969.

The following translation in the English Language of the Rajasthan Homoeopathic Chikitsa Adhiniyam, 1969 (Adhiniyam Sankhya 1, San 1970 was published in the *Rajasthan Gazette* Part 4 (Ka), dated January 5, 1970.

Rajasthan Act No. 1 of 1970 .

[Received the assent of the President on the 26th day of December, 1969]

An Act to provide for the development and expansion of the homoeopathic system of medicine in the state of Rajasthan for the registration of practitioners of that system of medicine therein and for other matters connected therewith.

Be it enacted by the Rajasthan State Legislature in the Twentieth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Rajasthan Homoeopathic Medicine Act, 1969.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may by Notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) 'Board' means the Board of Homoeopathic Medicine for Rajasthan established and constituted under the provisions of this Act;
- (b) 'Chairman' means the Chairman of the Board;
- (c) 'Homoeopathy' means the system of medicine founded by Dr Hahnemann and includes the allied system of Bio chemistry founded by Dr. Schussler and the expression 'Homoeo pathic' shall be construed accordingly.
- (d) 'Member, means a member of the Board and includes the Chairman and Vice Chairman thereof;
- (e) 'Practitioner, means a person who practises the Homoeopathic system of Medicine;
- (f) 'Register' means the register of Homoeopaths maintained under section 29;
- (g) 'Registered Homoeopath' means a homoeopathic practitioner registered under the provisions of this Act;
- (h) 'Registrar, means the Registrar appointed under this Act;
- (i) 'Vice-chairman' means the Vice-Chairman of the Board.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF BOARD

(3) *Establishment of Board*—(1) The State Government shall, by notification in the Official Gazette, establish, in the manner provided hereafter, a Board to be called the Rajasthan Board of Homoeopathic Medicine, for the purpose of carrying out the provisions of this Act.

(2) The Board so established shall be a body corporate having a perpetual succession and a common seal and may sue or be sued in its corporate name.

4. *Constitution of the Board*.—(1) The Board shall consist of the following members, namely:—

- (a) four persons to be nominated by the State Government of whom at least two shall be registered homoeopaths;
- (b) one person to be elected by the teachers of recognised homoeopathic institutions in the State of Rajasthan from amongst themselves, and
- (c) six persons to be elected by the registered homoeopaths of the State from amongst themselves.

(2) Elections under clauses (b) and (c) of sub-section (1) shall be held in the prescribed manner.

5. *Chairman and Vice-Chairman*.—The Chariman of the Board shall be nominated by the State Government from amongst the members of the Board and the Vice-Chairman shall be elected in the prescribed manner by such members from amongst themselves. The Chairman shall also be entitled to vote at the election of the Vice-Chairman.

6. *Term of Office of members*.—(1) The terms of office of a member of the Board shall be three years from the date on which the first meeting of the Board is held after elections under section 4;

Provided that the State Government may from time to time extend such term to any further period not exceeding in the aggregate one year.

(2) An out-going Chairman, Vice-Chairman or member, if otherwise qualified, shall be eligible for re-election or re-nomination, as the case may be.

7. *First Board to be nominated by the Government.*—Notwithstanding anything contained in section 4 and section 5, members of the first Board (including its Chairman and Vice Chairman constituted after the commencement of this Act, shall be nominated by the State Government and shall hold office for a period of three years from its constitution:

Provided that the State Government may from time to time extend the term of office of the Board to any further period not exceeding in aggregate one year.

8. *Resignation of office.*—(1) Any member other than the Chairman or Vice Chairman may at any time resign his office by a letter addressed to the Chairman and such resignation shall take effect after the expiry of fifteen days from the date of delivery of the letter to the Chairman.

(2) A Vice Chairman may resign his office by giving notice in writing to the Chairman and such resignation shall take effect on the expiry of one month from the delivery of the notice to the Chairman.

(3) A Chairman may at any time resign his office by a letter addressed to the State Government and such resignation shall take effect from the date on which acceptance of the State Government thereon is received in the office of the Board.

9. *Filling of casual vacancies.*—(1) If a member, Vice-Chairman or Chairman of the Board dies or resigns or from any cause whatsoever ceases to be such member, Vice-Chairman, or Chairman as the case may be, or, in accordance with the provision of this Act, vacates his office or is removed therefrom, the vacancy so caused shall be filled by fresh election or nomination, as the case may be, within such period as may be prescribed:

Provided that, if the vacancy is for a period of six months or less, the Board or the State Government may direct that the vacancy be left unfilled.

(2) The term of office of a member, Vice-Chairman or Chairman elected or nominated to fill up the vacancy mentioned in sub-section (1) shall be the remainder of the term of office of the member, Vice-Chairman or Chairman in whose place he has been so elected or nominated.

10. *Vacation of office.* (1) If any member, during the period for which he has been elected or nominated,—

(a) absents himself without cause from three consecutive ordinary meetings of the Board, or

(b) becomes subject to any of the disqualifications mentioned in section 17,

the Board may declare his office to have become vacant:

Provided that, when the Board proposes to take action under this section, an opportunity of explanation shall be given to the member concerned and, when such action is taken, the reasons therefor, shall be placed on record.

11. *Removal from office.*—(1) The State Government may remove a Chairman, Vice Chairman or member who, in its opinion, has so flagrantly abused in any manner his position as such as to render his continuance on the Board detrimental to the public interest or who has been guilty of habitual failure in the performance of his duties:

Provided that, when the State Government proposes to take action under this section, it shall give the Chairman, Vice-Chairman or member an opportunity of explaining his conduct on account of which it is proposed to remove him, shall make such inquiry as it may consider

necessary and shall, in the event of taking such action, place on record the reasons, therefore, and the decision of the State Government thereon shall not be questioned in any court of law.

(2) The State Government may place under suspension a member, Vice-Chairman or Chairman against whom an inquiry relating to the abuse of his position as a member, Vice-Chairman or Chairman is pending before it or in a court of law or under the orders of the State Government or the Board till final orders have been passed on the legal proceedings or the enquiry, as the case may be. Such member, Vice-Chairman or Chairman shall not take part in any proceedings of the Board during the period of suspension.

12. *Duties of Chairman.*—It shall be duty of the Chairman—

(a) unless provided otherwise by this Act or prevented by reasonable cause—

(i) to convene and preside over all meetings of the Board, and

(ii) otherwise to control, in accordance with any regulations to be made in this behalf, the transaction of business at all meetings of the Board;

to superintend and control the financial and executive administration of the Board and bring to its notice any defects therein, and

(c) to perform such other duties as are required of or imposed on him by or under this Act or rules made thereunder.

13. *Power of Board to require reports etc.*—(1) The Board may require the Chairman to furnish it with—

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of the Board;

(b) a report or explanation on any such matter; and

(c) a copy of any record correspondence, plan or other document which is in his possession or control as Chairman or which is recorded or filed in the office of any servant of the Board.

(2) The Chairman shall comply with every requisition made under sub-section (1) without unreasonable delay.

14. *Delegation by Chairman of his powers and duties to Vice-Chairman.*—(1) The Chairman may empower, by general or special order, the Vice-Chairman to exercise under his control any one or more of his powers, duties or functions.

(2) An order by the Chairman under sub-section (1) may lay down any conditions, and impose any restrictions, in respect of the exercise of any power, the performance of any duty or the discharge of any function by the Vice Chairman.

(3) In particular, such order may lay down the condition that any order by a Vice-Chairman in the exercise of a power conferred on him by sub-section (1) shall be liable to rescission or modification by the Chairman upon appeal to him within a specified time.

15. *Duties of Vice-Chairman.*—A Vice-Chairman shall—

(a) in the absence of the Chairman from a meeting of the Board and unless prevented by reasonable cause, preside over, regulate the conduct of business, and maintain and enforce order at the meeting,

(b) during the vacancy in the office of the Chairman or the incapacity or temporary absence of the Chairman, perform any other duty or exercise any other power of the Chairman, and

(c) at any time perform any duty and exercise, when occasion arises any power delegated to him by the Chairman under section 14.

16. *Nomination of members in default of election*—If any electoral body referred to in section 4 fails, by such date as may be prescribed to elect the requisite number of member or members or to fill-up any vacancy, the State Government shall on the recommendation of the Board fill up such vacancy or vacancies by nomination of a person or persons qualified to be elected by the appropriate electoral body.

17. *Disqualifications for membership*—A person shall be disqualified for being elected or nominated as, or for being, a member of the Board if—

(a) he has been sentenced by a court to imprisonment for an offence involving moral turpitude, or indicating in the opinion of the Board such a defect in character as would render the entry or continuance of his name in the register undesirable, the sentence not having been subsequently reversed in appeal or revision or remitted by an order which the State Government is empowered to make if it thinks fit;

(b) the Board, after enquiry (at which an opportunity has been given to such person to be heard in his defence either personally or through a representative) has found him guilty, by a majority of two-thirds of the members present and voting at the meeting, of infamous conduct in any professional respect;

(c) he is an undischarged insolvent;

(d) he has been adjudged by a competent court to be of unsound mind;

(e) he is a dismissed servant of the State Government or of any local authority;

(f) he is debarred from practising as a legal practitioner by order of any competent authority;

(g) he holds any place of profit in the gift or disposal of the Board,

(h) being a legal practitioner, he appears in any suit or proceeding, civil or criminal, against the Board; or

(i) he has acquired, directly or indirectly by himself or by a partner, any share or interest in any contract with, by or on behalf of the Board.

18. *Notification of elections etc.*—The name of every member, Vice-Chairman or Chairman of the Board elected or nominated under this Act and of every member, Vice-Chairman or Chairman who has resigned under section 8 or vacated his office under section 10 or has been removed therefrom under section 11, shall be notified in the Official Gazette.

19. *Payment of allowances.*—(1) There shall be paid to the members of the Board such travelling and daily allowances as may be prescribed.

(2) No member other than the Chairman shall receive any pay.

(3) The Chairman may receive such pay, allowances or emoluments as may be prescribed.

20. *Meetings of the Board*—(1) The Board shall meet at its office at Jaipur or at such other place and at such time, and every meeting shall be convened in such manner, as may be provided by regulations made by the Board.

(2) No business shall be transacted at any meeting of the Board unless four members are present:

Provided that, when it is necessary to postpone any business at a meeting for want of quorum, the chairman shall adjourn the meeting to another date and the business postponed for want of quorum shall be transacted on such date or, in the event of further adjournment of the meeting to a subsequent date, on such subsequent date, notwithstanding

any deficiency in the number of members present.

(3) Every meeting of the Board shall be open to the public unless the Chairman thereof considers that the public should be excluded during the whole or any part of the meeting.

21. *Chairman of meetings*—If at a meeting neither the Chairman nor the Vice-Chairman is present, the members present shall elect one from amongst themselves to be the Chairman of the meeting and such Chairman shall perform all the duties, and may exercise all the powers, of the Chairman of the Board while presiding at the meeting.

22. *Power of Chairman of meeting to maintain order*.—Where, at a meeting of the Board, any member or other person refuses to comply with any direction of the Chairman ruling any business or matter out of order or otherwise regulating the conduct of members or of business or where any member or person wilfully disturbs the meeting, the Chairman may require that member or person to withdraw from the meeting and, in the event of his omitting to do so, may employ against him such force as is necessary, or as in good faith he believes to be necessary, for the purpose of removing and excluding him from the meeting.

23. *Decision by Board*.—(1) All questions which may come before a meeting of the Board shall, unless otherwise provided in this Act or in the rules or regulations made thereunder, be decided by a majority of the votes of the members present and voting.

(2) In case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

24. *The minute book and resolutions*.—(1) The names of the members present, and the proceedings held and resolutions passed, at a meeting of the Board shall be entered in a book to be called the minute book,

(2) The minutes shall be read out at the meeting or at the next following meeting and, after being passed as correct by the members or a majority of them present at the reading, shall be certified as passed by the signature of the Chairman of the meeting at which they are passed.

(3) A copy of the proceedings of every meeting of the Board shall, within fifteen days from the date of the meeting be forwarded to the State Government or any other authority appointed by the State Government in this behalf.

25. *Establishment of Advisory Committee*—(1) Subject to rules made by the State Government for this purpose, the Board may, by a resolution in this behalf, appoint an Advisory Committee consisting of seven persons of whom three shall be the members of the Board and four co-opted members, for any purpose provided for in this Act and may appoint a Convenor who shall preside over the meetings of such Committee. In the absence of the Convenor, the committee may elect any one of its members for this purpose.

(2) All questions at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting. In case of an equality of votes, the person presiding shall have a casting vote,

(3) No business shall be transacted at any meeting of the Committee when less than three members are present.

(4) Proceedings of every meeting of the Committee shall be laid before the Board which may take such action thereon as it deems necessary.

(5) The members of the Advisory Committee shall be paid such travelling and other allowances as may be payable to the members of the Board under section 19.

26. *Validity of proceedings.*—(1) No vacancy in the Board or in a Committee of the Board shall vitiate any act or proceedings of the Board or such committee.

(2) No disqualification of or defect in the election or nomination, of any person acting as a member of the Board or as the Vice-Chairman or the Chairman or the person presiding at a meeting shall be deemed to vitiate any act or proceeding of the Board in which such person has taken part.

CHAPTER III Staff and Registration

27. *Registrar and other officers and servants of the Board.*—(1) The Board shall, with the previous approval of the State Government appoint a Registrar:

Provided that the first appointment of the Registrar may be made by the State Government.

(2) The Registrar shall receive such salary and allowances and shall be governed by such other conditions of service as may be prescribed. The Chairman may from time to time grant to the Registrar leave and may appoint a person, with the sanction of the State Government to act in his place during his leave or absence; and any person so appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(3) An appeal shall lie to the State Government from every order of the Board or its Chairman punishing or removing any person from the office of the Registrar.

(4) The Registrar shall also be the Secretary and the executive officer of the Board.

(5) The Board may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act.

(6) All Questions relating to the number, designations, pay and allowances recruitment, promotions, leave, provident fund and other conditions of service of the officers and servants appointed under subsection (5) shall be governed by rules made by the State Government.

(7) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within meaning of section 21 of Indian Penal Code, 1860 (Central Act 45 of 1860).

28. *Maintenance of register.*—(1) The Board shall within six months of its constitution, cause to be prepared a register of homoeopaths.

(2) The Register shall be kept and maintained by the Board in such manner as may be prescribed.

29. *Duties of Registrar.*—(1) Subject to the provisions of this Act and subject to any general or special orders of the State Government or the Board, as the case may be, it shall be the duty of the Registrar, to keep and maintain the register and discharge such other functions as are required to be discharged by him under this Act or by any rules or regulations made thereunder.

(2) The Registrar shall, so far as practicable, keep and maintain the register correct and up-to date and may from time to time enter therein any material alterations in the addresses or qualifications of the registered Homoeopaths. He shall also remove from the register the names of the registered homoeopaths who die or who cease to be qualified as such.

30. *Persons entitled to be registered*—(1) Every person, possessing any of the qualifications mentioned in the schedule, shall subject to the

provisions of this Act, be entitled to have his name entered in the register.

(2) Notwithstanding anything contained in sub-section (1), every practitioner who proves in the prescribed manner that he has been in regular practice of the Homoeopathic system of medicine in the State for a period of not less than three years immediately preceding the date of commencement of this Act, shall on an application made by him within six months of such commencement for the registration of his name in the register be, subject to the provisions of this Act, entitled to have his name entered in the register.

(3) Every application for registration under sub-section (1) or sub-section (2) shall be accompanied with a registration fee of rupees fifty.

(4) Application for registration shall be made to and disposed of by the Registrar.

(5) Any person aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register may within ninety days from the date of such decision or within such extended time as the Board may upon sufficient cause allow, appeal to the Board.

(6) Such appeal shall be heard and decided by the Board in the prescribed manner.

(7) The Board may, on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same, cancel or alter any entry in the register, if in the opinion of the Board, such entry was fraudulently or incorrectly made or obtained.

31. *Renewal of registration.*—(1) Every registered Homoeopath shall be entitled to practise for a period of three years from the date on which his name has been registered and if he desires to continue to practise after the expiry of the said period, he shall, upon an application made to the Registrar along with a renewal fee of twenty-five rupees for every period of three years, be entitled to the continuance of his name in the register.

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register ;

Provided that the name so removed may be restored to the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed.

32. *Power of Board to recognise title etc. for purposes of registration.*—If the Board is satisfied,—

(a) that any title or degree granted or qualification certified by a University medical corporation, examining body or other institution in or outside India is sufficient guarantee that persons holding such title, degree or qualification possess the knowledge and skill requisite for the efficient practice of Homoeopathy, or

(b) that such a title, degree or qualification is not a sufficient guarantee as aforesaid,
it may direct—

(i) in case (a), that the possession of such title, degree or qualification shall, subject to the provision contained in this Act and on payment of such fee as may be prescribed entitle a person to have his name entered in the register, or

(ii) in case (b) that the possession of such title, degree or qualification shall not entitle a person to have his name entered in the register.

33. *Power of Board to call for information from institutions.*—The Board shall have power to call upon the governing body or authority of a medical corporation examining body or other institution, included or desirous of being included in the Schedule—

(a) to furnish such reports, or other information as the Board may require to enable it to judge the efficiency of the instructions given therein homoeopathy, and

(b) to provide facilities to enable a member of the Board deputed by it in this behalf to be present at the examinations held by such medical corporation, examining body or other institution.

34. *Information required from applicants for registration*—Every person who applies to have his name entered in the register must satisfy the Registrar that he is possessed of some degree, title or qualification specified in the Schedule and he must inform the Registrar of the date on which he obtained the degree, title or qualification which entitles him to claim registration under this Act and shall also furnish any other information required by the Registrar in order to enable him to discharge his duties under the Act.

35. *Entry of new titles and qualifications.*—If a person whose name is entered in the register obtains any title, degree or qualification other than the title, degree or qualification in respect of which he has been registered, he shall on payment of such fee not exceeding rupees five as may be prescribed be entitled to have an entry stating such other title, degree or qualification made against his name in the register, either in substitution for, or in addition to, any entry previously made.

36. *Powers of Board to prohibit entry in or to direct removal from the register.*—(1) The Board may prohibit the entry in, or order the removal from, the register of the name of any Homoeopath—

(a) who has been sentenced by a court in India to imprisonment for an offence declared by the State Government to involve such moral turpitude as would render the entry or continuance of his name in the register undesirable, or

(b) whom the Board or a committee of the Board specially authorised for the purpose, after inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel and which may, in the discretion of the Board, be held in camera) has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting.

(2) The name of any person against whom an order has been made under sub-section (1) shall be entered or re-entered in the register, as the case may be, after six years from the date of such order.

37. *Notice of deaths and erasure of names from register.*—(1) Every Registrar of Death who receives notice of the death of a person whose name he knows to be entered in the register of homoeopaths shall forthwith transmit by post to the Registrar of the Board a certificate of such death, signed by him and stating particulars of the time and place of death.

(2) On receipt of such certificate or other reliable information regarding such death, the Board shall erase the name of the deceased person to be erased from the Register.

38 *Procedure in inquiries* - For the purpose of any enquiry held under clause (b) of sub-section (1) of section 33, the Board or the Committee, as the case may be, shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850, of the Central Legislature and the provisions of sections 5, 8 to 10, 14 to 16, 19 and 20 of the said Act shall, so far as may be, apply to every such enquiry, to any order passed during the course thereof and to any appeal from such order.

39. *Publication of names entered in the register* - (1) The Registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Board, cause to be published, in the Official Gazette and in such other manner as the Board may prescribe, a full or supplementary list arranged in alphabetical order of the names for the time being entered in the register and setting forth—

(a) the registered address and appointment held by, or actual employment of each person whose name is entered in the register ; and

(b) the registered titles degrees and qualifications of each such person and the date on which each such title or degree was granted qualification certified :

Provided that the Registrar shall from time to time get published in the Official Gazette the names of such registered Homoeopaths whose names have been duly removed from the register under any provision of this Act.

(2) In any proceeding it shall be presumed that every person entered in such list is a registered Homoeopath :—

Provided that, in the case of a person whose name has been entered in the register after the last publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Act, and such certificate shall be issued free of charge.

CHAPTER IV

Functions and Finances of the Board

40. *Powers of the Board.*—The Board shall have the following powers, namely :—

(i) to recognise Homoeopathic educational or instructional institutions for purposes of affiliation ;

(ii) to prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the Board in such branches of the Medical Science of Homoeopathy as the Board may think fit ;

(iii) to hold examinations and to grant and confer degrees and diplomas to and on persons who shall have pursued a course of study in an educational institution affiliated to the Board ;

(iv) to institute, exhibitions and award medals thereat to grant scholarships and medals to those who obtain high position at the Board's examinations or are poor and deserving, and with the sanction of the State Government, to grant scholarships for special study in research and manufacture of Homoeopathic medicines in any medical institution or a reputed firm that the Board may think fit, and to endow chairs of Homoeopathy in institutions affiliated to the Board :

(v) to demand and receive from students such fees as may be prescribed for admission to the Board's examinations ;

(vi) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangements for promoting the health and general welfare of their students ;

(vii) to appoint examiners and publish the results of the examinations held by it ;

(viii) to suspend or withdraw the recognition of any institution which is not conducted in accordance with the conditions prescribed by this Act or the rules or regulations framed thereunder ;

Provided that no such action shall be taken without affording the committee or management of such an educational institution an opportunity of making such representation as it may deem fit ;

(ix) to appoint, with the previous sanction of the State Government, Inspectors for the inspection of Homoeopathic dispensaries, hospitals and educational institutions in the State ;

(x) to regulate by licences or permits the preparation and dispensing of Homoeopathic medicines ;

(xi) to establish or aid research institutions, to arrange for post-graduate study in the science of Homoeopathy and to encourage scientific manufacture of Homoeopathic medicines in the State ;

(xii) to publish Homoeopathic journals ;

(xiii) to do such acts, not inconsistent with the provisions of this Act and the rules and regulations made thereunder, as may be necessary for the furtherance of the objects of this Act ;

41. *Budget*.—(1) The Board shall have prepared and laid before it at a meeting to be held in every year before such date as may be prescribed a complete account of the actual and abstracted receipts and expenditure for the year ending on the 31st day of March next following such date together with a budget estimate of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and pass the budget which shall be submitted to the State Government or to such other authority as the State Government may by order direct within fifteen days from the date of the meeting in which the budget is passed.

(4) If the State Government is satisfied that adequate provision has not been made therein for giving effect to the provisions of this Act, it shall have the power to suggest such modifications as may be necessary to secure such provision and return the budget to the Board with its observations regarding the modifications to be made therein. The Board shall consider such observations and pass the budget with such modifications as it deems necessary.

(4) If in the course of a year the Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended for the purposes of this Act, a supplementary budget may be prepared, passed, submitted and modified in the manner provided in sub-sections (1), (2) and (3).

(5) As soon as may be after the first day of October every year, the revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions of the foregoing sub-sections applicable to a budget.

42. *Homoeopathic Fund*.—(1) There shall be established a Homoeopathic Fund, hereinafter referred to as the "Fund".

- (2) There shall be placed to the credit of the Fund—
- (a) grants and loans received from the State Government,
 - (b) all fees received by the Board on account of registration of Homoeopaths and Admission to the Board's examinations,
 - (c) contributions received from any local authority or any homoeopathic association, and
 - (d) all sums received by or on behalf of the Board from sources other than those mentioned in the foregoing clauses.
- (3) The fund shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

(4) The expenses of the Board shall include the salaries and allowances of the Registrar and the staff appointed by the Board, the fees and allowances paid to the Chairman and members of the Board, the expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act.

45. *Custody and operation of Fund.*—(1) The Homoeopathic Fund shall be kept in a scheduled bank and shall be operated upon by such person or persons and in such manner as may be prescribed.

(2) To defray the current expenses of the Board such sum as the State Government may deem sufficient may be kept with the Registrar by way of imprest money.

44. *Accounts and Audit.*—(1) The Board shall keep accounts and submit such statements to the State Government as may be prescribed.

(2) Accounts of receipts and expenditure of the Board shall be maintained for every financial year in such form as may be prescribed.

(3) All accounts kept and maintained by the Board shall be audited, as soon as may be after the end of each financial year, by the Examiner of Local Fund Audit for the State and the provisions of the Rajasthan Local Fund Audit, Act 1954 (Rajasthan Act 28 of 1954) shall apply.

(4) The Board shall be bound to comply with all such directions as the State Government may think fit to issue after going through the audit report in respect of its accounts.

(5) The Board shall pay out of the Homoeopathic Fund such sum as may be determined by the State Government by way of charges for audit.

CHAPTER V.

Privileges of Homoeopaths.

45. *Qualified practitioner's certificate.*—Notwithstanding anything contained in any other law for the time being in force—

(1) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing that a person is recognised by law as a Medical practitioner or as a member of the Medical profession shall in all Rajasthan Laws and in all Acts of the Central Legislature (in their application to the State of Rajasthan) in so far as such laws or Acts relate to any of the matters specified in list II or list III of the Seventh Schedule to the Constitution of India, be deemed to include a registered Homoeopath;

(2) a certificate required under any law or rule having the force of law from any medical practitioner or medical officer shall be valid if such certificate has been granted by a registered Homoeopath;

(4) a registered Homoeopath shall be eligible to hold any appointment as a physician, surgeon or other medical officer in any Homoeopathic dispensary, hospital, infirmary or lying in the hospital supported

by or receiving a grant from the State Government or in any public establishment, body or institution dealing with the system of Homoeopathic medicine;

(1) a registered Homoeopath shall be entitled—

(a) to sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner,

(b) to sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner,

(c) to give evidence at any inquest or in any court of law as an expert under section 15 of the Indian Evidence Act, 1872 (Central Act 1 of 1872) on any matter relating to the Homoeopathic system of Medicine.

46. *Exemption from serving on inquests.*—Notwithstanding anything in any other law for the time being in force, every registered Homoeopath shall be exempt, if he so desires, from serving on any inquest or as a juror under the Code of Criminal Procedure, 1898 (Central Act V of 1898)

47. *Privileges under Rajasthan Act 2 of 1950.*—The registered Homoeopaths shall have the same privileges as the medical practitioners registered under the Rajasthan Medical Act, 1952 (Rajasthan Act 13 of 1952) have under the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950).

CHAPTER VI

Miscellaneous

48. *Appeals to State Government from decisions of Board.*—(1) An appeal shall lie to the State Government from every decision of the Board under this Act.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of the decision sought to be appealed from.

49. *Control of Board by State Government.*—If at any time it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act, or has failed to perform a duty imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board; and if the Board fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit:

Provided that a new Board shall be constituted within one year of such dissolution

50. *Penalty on un-registered person representing that he is registered.*—If a person whose name is not entered in the register of Homoeopaths falsely pretends that it is so entered or uses in connection with his name or title any word or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction, with fine which may extend to two hundred rupees.

51. *Conferring, granting or issuing diploma, licence etc. by un-authorised person or institution.*—(1) No person other than an association or institution recognised or authorised by the Board under this Act shall

confer, grant of issue, or hold himself out as entitled to confer, grant or issue, any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practise the homoeopathic system of medicine.

(2) Whoever contravenes the provisions of this section shall be punishable on conviction, with fine which may extend to five hundred rupees and, if the person so contravening is an association every member of such association, who knowingly and wilfully authorises or permits the contravention, shall be punishable with fine which may extend to two hundred rupees.

52. *False assumption of degree, diploma etc.*—Whoever voluntarily and falsely assumes or uses any title, description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by any association or institution recognised or authorised by the Board under this Act or that he is qualified to practise the homoeopathic system of medicine under the provisions of this Act, shall, on conviction, be punishable with fine, which may extend to fifty rupees for the first offence under this section and to fine which may extend to two hundred rupees for every subsequent offence.

53. *Penalty for practising in contravention of the Act.*—(1) If after such date as the State Government may by notification in the Official Gazette specify in this behalf and person other than a registered homoeopath or other than a person whose name is entered in the list prepared and kept under section 62, practises or holds himself out, whether directly or by implication, as practising or as being prepared to practise, the Homoeopathic system of medicine, he shall be punishable with fine which may extend to two hundred rupees and where the offence is a continuing one, with a further fine which may extend to twenty-five rupees for each day during which the offence continues after the first such conviction.

(2) Nothing contained in sub-section (1) shall be deemed to prohibit any person from practising the Homoeopathic system of medicine if he practises it for charity and not for livelihood :

Provided that such person shall not be entitled to the pre-privileges of Homoeopaths specified in Chapter V of this Act.

(3) The State Government may, by notification in the Official Gazette, direct that the provisions of this section shall not apply to any class of persons either throughout the State or in any area specified in such notification.

54. *Court competent to try offences.*—(1) No court other than the court of a Magistrate of the first class shall take cognizance of or try an offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered in this behalf by rules made under this Act.

55. *Modes of proof of Board's records.*—A copy of any proceeding receipt, application, plan, notice, order, entry in a register or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorised by the Board in this behalf, be received as *prima-facie* evidence of the existence of the entry or document and shall be admitted as evidence thereof and of all the matters therein recorded in every case where, and to the same extent as the original entry or document would, if produced have been admissible to prove such matters.

56. *Restriction on summoning of Board's servants to produce documents*—No member, officer or servant of the Board shall, in any legal proceeding to which the Board is not a party, be required to produce any register or document or to appear as a witness to prove the matters recorded therein, unless ordered by the court for special reasons.

57 *Rules*.—(1) The State Government may, from time to time, make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for any of the following matters, namely:—

(a) the time and place at which and the manner in which election shall be held under section 4;

(b) regulation of elections under this Act;

(c) the privileges, salary and allowances and other conditions of service of the Registrar;

(d) the conduct and maintenance of correct minutes of meetings of the Board;

(e) the manner in which vacancies shall be filled under section 9;

(f) the accounts to be kept by the Board and the manner in which such accounts shall be audited and published;

(g) the date before which a meeting shall be held for the passing of the budget;

(h) the method and forms to be adopted in the preparation of the budget;

(i) the returns, statements and reports to be submitted by the Board;

(j) the form of the register of Homoeopaths to be maintained under this Act;

(k) the fees chargeable under this Act and their application;

(l) the manner in which appeals against the decisions of the Registrar shall be heard by the Board under section 30;

(m) allowances payable to members of the Board and its Chairman;

(n) the remuneration to be paid to the Chairman;

(o) the furtherance of any object of the Board as a teaching or examining body;

(p) maintenance of a patient register by Homoeopaths in the prescribed form;

(q) delegation of powers by the State Government and by the Board;

(r) the form of application for the grant of licence or permit under clause (x) of section 40 and the particulars to be filled therein;

(s) the conditions for the grant of licence, the renewal of licence and the fees payable therefor; and

(t) the furtherance of any other objects of the Act.

(3) All such rules shall be published in the Official Gazette.

(4) All rules finally made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that

any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

58. *Regulations.*—(1) Subject to the provisions of this Act and the rules made by the State Government thereunder, the Board may frame regulations for regulating the following matters, namely :—

(a) the conditions on which institutions may be affiliated or recognised for the purpose of registration under section 30 ;

(b) the admission of students to the educational or instructional institutions affiliated to the Board ;

(c) the conditions under which students shall be admitted to any degree, diploma or certificate course and to the examinations of the Board and shall be eligible for degrees, diplomas and certificates ;

(d) the conditions of residence of the students in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence ;

(e) the number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board ;

(f) the fees to be charged for courses of study in such institutions and for admission to the examinations, degrees, diplomas and certificates of the Board ;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations ;

(h) the time and place at which meetings of the Board shall be held ;

(i) the issue of notice convening such meeting ;

(j) the conduct of business thereat ;

(k) the asking of questions by members of the Board at its meetings subject to such conditions and restrictions as may be provided in the regulations ;

(l) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar ; and

(m) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) All regulations framed under sub-section (1) shall be published in the Official Gazette.

(3) The State Government may, by notification in the Official Gazette cancel or modify any regulation.

59. *Previous publication of rules and regulations.*—The power of the State Government to make rules and the Board to make regulations is subject to the condition of the rules or regulations being made after previous publication, for objections and of their not taking effect until they have been published in the Official Gazette, and of the regulations not taking effect until they have been confirmed by the State Government.

60. *Bar to suit and other legal proceedings.*—(1) No suit or other legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act or the rules made thereunder.

(2) No suit or other proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board in respect of anything done lawfully and in good faith and with reasonable care and attention under this Act or rules or regulations made thereunder.

61. *Savings.*—Unless it is under this Act otherwise expressly provided, no provision of this Act shall affect a medical practitioner other than a Homoeopath registered under this Act.

CHAPTER VII

List of Practitioners

62. *List of practitioners.*—(1) As soon as may be after the commencement of this Act, the Registrar shall prepare and keep a list of persons practising the Homoeopathic system of medicine on such commencement.

(2) Every person who is not qualified for registration under the Act but who proves in the prescribed manner that he has been, on such commencement, in regular practice of the Homoeopathic system of medicine in the State, shall upon an application made by him in this behalf within six months of such commencement, be entitled to have his name entered in the aforesaid list on payment of a fee of rupees fifty.

(3) The provisions of sub-section (2) of section 29, sub-sections (3) to (7) of section 30, section 31 and sub-section (1) of section 36 shall, so far as may be, apply to this list *mutatis mutandis*.

THE SCHEDULE

Persons who are entitled to have their names entered in the register of Homoeopaths,

(See sections 30, 31, 32, 33 and 34)

1. Homoeopaths who have passed the final examinations held by the Board of Homoeopathic Medicine for Rajasthan.

2. Homoeopaths who have passed an examination from a Homoeopathic Institution in the State or outside it :

Provided that for purposes of registration such an institution is recognised by the Board subject to such limitations as the Board may consider proper.

3 Homoeopaths who have been entered in the list prepared and kept under section 62, and who have completed regular practice of the Homoeopathic system of medicine for a period not less than three years, subject to their passing such examination as the Board may by regulations determine.

4. Homoeopaths who, in the opinion of the Board, are of sufficient standing, reputation and ability and are well known for their skill in their profession.

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RAJASTHAN HIGH COURT, JODHPUR

G.S.N. 112—Jodhpur, January 22, 1970.—In exercise of the powers conferred by sub-section (1) of section 34 of the Advocates Act, 1961 (Act 25 of 1961), the High Court of Judicature for Rajasthan hereby makes the following **Rules laying down the conditions subject to which an advocate shall be permitted to practice in the said High Court and the courts subordinate thereto,—**

1. In these rules unless there is anything repugnant in the subject or context, the word "advocate" shall include a partnership or a firm of advocates.

2. Save as otherwise provided for in any law for the time being in force, no advocate shall be entitled to appear, plead or act for any person in any court in any proceeding unless the advocate files an appointment in writing signed by such person or his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment and signed by the advocate in token of its acceptance, or the advocate files a memorandum of appearance in the form prescribed by the High Court:

Provided that where an advocate has already filed an appointment in any proceeding, it shall be sufficient for another advocate, who is engaged to appear in the proceeding merely for the purposes of pleading, to file a memorandum of appearance or to declare before the court that he appears on instructions from the advocate who has already filed his appointment in the proceeding:

Provided further that nothing herein contained shall apply to an advocate who has been requested by the court to assist the court *amicus curiae* in any case or proceeding, or who has been appointed at the expense of the State to defend an accused person in a criminal proceeding.

Explanation.—A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the connected proceedings.

3. An advocate who is not on the Roll of Advocates of the Bar Council of the State in which the Court is situate, shall not appear, act or plead in such Court, unless he files an appointment alongwith an advocate who is on the Roll of such State Bar Council and who is ordinarily practising in such Court.

4. In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.

5. The acceptance of an appointment on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership of advocates.

6. An advocate at the time of acceptance of his appointment shall also endorse on it his address, which address shall be regarded as one for service within the meaning of rule 5 of Order III of the Code of Civil Procedure, 1908:

Provided that where more than one advocate accept the appointment, it shall be sufficient for one of them to endorse his address, which address shall be regarded as one for service within the meaning of rule 5 of Order III, Code of Civil Procedure.

7. Wherean advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing, he may instruct another advocate to appear for him at that hearing.

8. (1) In civil cases, the appointment of an advocate, unless otherwise limited shall be deemed to be in force to the extent provided in that behalf by rule 4 of Order III of the Code of Civil Procedure, 1908.

(2) In criminal cases, the appointment of an advocate, unless otherwise limited shall be deemed to be in force until determined with the leave of the Court by writing signed by the party or the advocate as the case may be, and filed in Court, or until the party or the advocate dies, or until all proceedings in the case are ended so far as regards the party.

(3) For the purposes of sub-rule (2), a case shall be deemed to mean every kind of enquiry, trial or proceeding before a criminal court whether instituted on a police report or otherwise and shall include,—

(i) an application for bail or reduction, enhancement or cancellation of bail in the case,

(ii) an application for transfer of the case from one court to another,

(iii) an application for stay of the case pending disposal of civil proceeding in respect of the same transaction out of which the case arises,

(iv) an application for suspension, postponement or stay of the execution of the order or sentence passed in the case,

(v) an application for the return, restoration or restitution of the property as per the order of disposal of property passed in the case,

(vi) an application for leave to appeal against an order of acquittal passed in the case,

(vii) any appeal or application for revision against any order or sentence passed in the case,

(viii) a reference arising out of the case,

(ix) an application for review of an order or sentence passed in the case or in an appeal, reference or revision arising out of the case,

(x) an application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case.

(xi) an application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court),

(xii) any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in the case or in any of the proceedings mentioned hereinbefore,

(xiii) any application or act for obtaining the withdrawal or the refund or payment of or out of the moneys paid or deposited in the court in connection with the case or any of the proceedings hereinbefore mentioned (including moneys paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court),

(xiv) any application for the refund of or out of the moneys paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf,

(xv) any application for expunging remarks or observations on the record of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and

(xvi) any application or proceeding for sanctioning prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, or any appeal or revision arising from and out of any order passed in such an application or proceeding:

Provided that where the venue of the case or the proceedings is shifted from one Court (subordinate or otherwise) to another, the advocate filing the appointment referred to in sub-rules (1) and (2) above in the former court shall not be bound to appear, act or plead in the latter court unless he files, or he has already filed a memorandum signed by him in the latter court that he has instructions from his client to appear, act or plead, as the case may be, in that court.

9. (1) Except when specially authorised by the court or by consent of the party, an advocate, who has advised in connection with the institution of a suit, appeal or other proceeding or has drawn up pleadings in connection with such matter, or has during the progress of any suit, appeal or other proceeding appeared acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded, an opportunity of engaging his services, appear or act or plead in such suit, appeal or

other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party:

Provided that the consent of the party may be presumed if he engages another advocate to appear, act or plead for him in such suit, appeal or other proceeding without offering an engagement to the advocate whose services were originally engaged by him or on his behalf.

(2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above, the court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate an opportunity of being heard.

(3) An advocate who discloses to any party information confided him in his capacity as an advocate by another party without the latter's consent shall not be protected merely by reason of its being permitted to appear, act or plead for the said party.

10. (a) The appointment of a firm or partnership of advocate may be accepted by any partner on behalf of the firm.

(b) No such firm or partnership shall be entitled to appear, act or plead in any court unless all the partners thereof are entitled to appear; act or plead in such court.

(c) The name of the firm or partnership may contain the names of the persons who were or are members thereof but of no others.

(d) The words "and Company" shall not be affixed to the name of any such partnership or firm.

(e) The names of all the partners of the firm shall be recorded with the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council, and the names of all the partners shall also be set out in all professional communications issued by the partners or the firm.

(f) The firm or partnership of advocates shall notify to the Registrar of the High Court and/or the District Judge, as the case may be, and also to the State Bar Council, any change in the composition of the firm or partnership and the fact of its dissolution as soon as may be from the date on which such change occurs or the dissolution takes place.

(g) Every partner of the firm or partnership of advocates shall be bound to disclose the names of all the partners of the firm or partnership whenever called upon to do so by the Registrar of the High Court, the District Judge, the State Bar Council, any court or any party for or against whom the firm or partnership or any partner thereof has filed the appointment or memorandum of appearance.

(h) In every case where a partner of a firm or partnership of advocates signs any document or writing on behalf of the firm or partnership he shall do so in the name of the firm or partnership and shall authenticate the same by affixing his own signature as partner.

(i) Neither the firm or partnership of advocates nor any partner thereof shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the firm or partnership or by the firm or partnership itself.

11. No advocate shall be permitted to file an appointment or memorandum of appearance in any proceeding in which another advocate is already on record for the same party save with the consent of the former advocate on record or the leave of the court, unless the

former advocate has ceased to practise or has by reason of infirmity of mind or body or otherwise become unable to continue to act.

12. An advocate may correct any clerical error in any proceedings with the previous permission of the Registrar, or an officer of the court specially empowered in this behalf by the court, obtained on a memorandum stating the correction desired.

13. No advocate who has been debarred or suspended or whose name has been struck off from the Roll of Advocates shall be permitted to act as a recognised agent of any party within the meaning of Order III of the Code of Civil Procedure, 1908.

14. No advocate who has been found guilty of contempt of court shall be permitted to appear, act or plead in any court unless he has purged himself of the contempt.

15. (1). Advocates appearing before any court shall wear the following as part of their dress,—

(i) *Advocates other than lady advocates.*—

(a) Black buttoned up coat or black chapkan, achikan or sherwani, with Barrister's gown and bands, or,

(b) black open collar coat, white shirt, white collar (stiff or soft) with Barrister's gown and bands.

(ii) *Lady advocates*—

Barrister's gown and bands.

(2) The High Court may dispense with the use of Barrister's gown during the summer vacation.

(No. 3/S. R. O.)

By Order,

Suraj Pershad Mehra (In Hindi)
Registrar.

RAJASTHAN HIGH COURT, JODHPUR

G. S. R. 113.—Jodhpur, January 21, 1970.—The following amendments are made in the **Rajasthan High Court Rules, 1952**:—

Part V-Chapter XXIII

Appeals to Supreme Court of India

Section B-Criminal cases

"In sub-rule (a) of Rule 413 for the word "seven" occurring between the words "within" and "days", the word "sixty" shall be substituted."

[No. 2/S. R. O.]

By Order,

Suraj Pershad Mehra (In Hindi)
Registrar.

Published in the *Rajasthan Gazette*, Part IV (Ga), dated December 11, 1969

PANCHAYAT AND DEVELOPMENT DEPARTMENT

G. S. R. 95.—Jaipur, October 8, 1969.—In exercise of the powers conferred by sub section (1) and (2) of section 89 of the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953), the State Government hereby makes the following rules further to amend the Rajasthan Panchayat and Nyaya Panchayat (General) Rules, 1961, namely:—

1. *Short title.*—These rules may be called the **Rajasthan Panchayat and Nyaya Panchayat (General) Amendment Rules, 1969**.

2. *Amendment of rule 270.*—In rule 270 of the Rajasthan Panchayat and Nyaya Panchayat (General) Rules, 1969, hereinafter referred to as "the said rules". in clause (a), after the expression "rule 265", the

expression "or transfer of Abadi land under rule 266 or allotment of lands under rule 267, read with rule 268, shall be inserted.

3. *Amendment of rule 272.*—In rule 272. of the said rules, in sub-rule (1), after the expression "rule 265", wherever it occurs, the expression "or rule 266 or rule 267 or rule 268" shall be inserted.

INDUSTRIES AND DEVELOPMENT DEPARTMENT

G. S. R. 98.—Jaipur, August, 4, 1969.—In exercise of the powers conferred by section 15 of the Mines and Mineral (Regulation and Development) Act, 1957, (Central Act 67 of 1967), the State Government hereby makes the following rules further to amend the Rajasthan Minor Mineral Concession Rules, 1969, namely:—

1. *Short title.*—These rules may be called the **Rajasthan Minor Mineral Concession (Amendment) Rules, 1969.**

2. *Amendment of rule 16.*—In the Rajasthan Minor Mineral Concession Rules, 1959, for clause (b) of rule 16, the following clause shall be substituted, namely:—

"(b) Upon an application made in this behalf six months of the expiry of the lease and upon payment of a fee of Rs. 10/ a mining lease may be renewed by the Government for a period equivalent to the period of the original lease and where the Government is satisfied that the mines have been improved by the lessee and that substantial investment in machinery and equipment have been incurred by him, the State Government may, subject as aforesaid, further grant second and third renewals, each for a period equal to the period of the original lease. Where the lease is so renewed the deadrent shall not exceed twice the original deadrent in the case of first renewal and thrice and four times the original deadrent in the case of second and third renewals, respectively:

Provided that the State Government, while granting third renewal of the Mining Lease may in its discretion reduce the area of the lease, Royalty shall be chargeable at the rates in force at the time of renewal."

INDUSTRIES AND MINES DEPARTMENT

G. S. R. 99.—Jaipur, October, 9, 1969.—In exercise of the powers conferred under section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957), the State Government hereby makes the following amendments, to the **Rajasthan Minor Mineral Concession Rules, 1959.**

(i) In the said Rules below sub-rule (2) of Rule 27 the following new sub-rule shall be added, namely:—

"27 (3)—Application for renewal received after the period prescribed in sub-rule (2) above will be entertained only on the payment of penalty as laid down below:—

(i) Delay of one month. Rs. 50/-

(ii) Delay of more than one month but less than three months.

... .. Rs. 100/-

(ii) In Rule 28 for the word "two years" the word "five years" shall be substituted:

Published in the *Rajasthan Gazette* Part 4 (Ga.) dated
December, 14, 1969.

INDUSTRIES (A) DEPARTMENT

S. O. 71.—Jaipur, April, 23, 1969.—In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act 12 of 1925), the State Government hereby makes the

following rules further to amend the Rajasthan Cotton Ginning and Pressing Factories Rules, 1953, namely :—

1. *Short title.*—These rules may be called the **Rajasthan Cotton Ginning and Pressing Factories (Amendment) Rules, 1969.**

2. *Amendment of rule 2A*—In the Rajasthan Cotton Ginning and Pressing Factories Rules, 1953, hereinafter referred to as 'the said rules' in sub rule (1) of rule 2A, the word "Jaipur" shall be deleted.

3. *Amendment of rule 5*—In sub-rule (1) of rule 5 of the said rules, for the words "Director of Industries & Supplies, Rajasthan, Jaipur" the words "Deputy Director of Agriculture (Cotton), Rajasthan" shall be substituted.

4. *Amendment of rule 7A.*—In rule 7A of the said rules, for the words "Director of Agriculture, Rajasthan, Jaipur" and "Director of Agriculture, Rajasthan", the words "Deputy Director of Agriculture (Cotton), Rajasthan" shall be substituted.

5. *Amendment of rule 7B*—In rule 7B of the said rules,—

(a) in sub-rule (1), for the words "Deputy Director of Industries & Supplies of the region in which the cotton was pressed", the words "Deputy Director of Agriculture (Cotton), Rajasthan" shall be substituted, and

(b) in sub-rule (2), for the words "Director of Industries & Supplies, Rajasthan, Jaipur or Deputy Director of Industries & Supplies of the region", the words "the Director of Agriculture or the Deputy Director of Agriculture (Cotton), Rajasthan" shall be substituted

6. *Amendment of rule 7C*—In rule 7C of the said rules, for the expression "(1) the Joint Director of Industries & Supplies (Commercial and Large Scale Industries), Jaipur and (2) the Deputy Director of Industries & Supplies of the region" the following expression shall be substituted, namely:—

"(1) The Director of Agriculture, Rajasthan, Jaipur or the Joint Director of Agriculture (Headquarters) and (2) the Deputy Director of Agriculture (Cotton), Rajasthan".

7. *Amendment of rule 9.*—In rule 9 of the said rules for the words "the Director of Industries & Supplies, Rajasthan, the Deputy Director of Industries & Supplies" the words "the Assistant Director of Industries & Supplies", the words "the Director of Agriculture, Rajasthan, the Deputy Director of Agriculture (Cotton), Rajasthan the Deputy/Joint Director of Agriculture of the region, the Assistant Director of Agriculture (Cotton) in whose jurisdiction the factory lies", shall be substituted.

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha), dated January 10, 1970.

The Industrial Disputes (Rajasthan Amendment) Ordinance, 1970.
Rajasthan Ordinance No 2 of 1970.

[*Made and promulgated by the Governor on the 9th day of January, 1970*]
An Ordinance further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947) in its application to the State of Rajasthan.

Whereas the Rajasthan Legislative Assembly is not now in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf ;

Now, therefore, in exercise of the powers conferred on him by Article 213 of the Constitution of India and under instructions from the President of India, the Governor of the State of Rajasthan hereby makes

and promulgates in the Twentieth Year of the Republic of India the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Industrial Disputes (Rajasthan Amendment) Ordinance, 1970.

2. *Insertion of new section 30A in Central Act 14 of 1947.*—After section 30 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), hereinafter referred to as the principal Act, in its application to the State of Rajasthan, the following new section shall be inserted, namely :—

“30 A. *Penalty for contravention of an order made under section 10K.*—Any person who contravenes an order issued by the State Government in pursuance of section 10K of the Act shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.”

3. *Amendment of section 33C, Central Act 14 of 1947.*—In sub-section (1) of section 33C of the principal Act, after the expression “Chapter VA”, the expression “or under an order issued by the State Government under section 10K of the Act” shall be inserted.

HUKAM SINGH,
Governor of Rajasthan.

Published in the *Rajasthan Gazette* Ext., Part IV(II), dated March 13, 1970.

FINANCE DEPARTMENT

S. O. 306.—Jaipur, March 13, 1970.—In exercise of the powers conferred by section 5 of the **Indian Registration Act, 1908** (Central Act 16 of 1908), the State Government hereby makes the following amendments in this department Notification No. F. 2(25) E&T/56/1, dated 20th January, 1958, published in the *Rajasthan Gazette*, Part IV-C, dated 13th February, 1958, namely :—

AMENDMENTS

In the Schedule to the said Notification.—

(a) against District ‘13 Jalore’, in columns 2 and 3 for the figure and words “1. Jaswantpura” and ‘Tehsil Jaswantpura’, the figure and words “1. Bhinmal” and “Tehsil Bhinmal” shall respectively be substituted ;

(b) against District ‘23 Chittorgarh’, after entry 14, the following new entry shall be added under columns 2 and 3, namely :—

“15 Bhopalsagar Tehsil Bhopalsagar” ;

(c) against District ‘25 Udaipur’ entry number 15 relating to Sub-District Bhopalsagar and limits thereof shall be deleted.

Published in the *Rajasthan Gazette*, Part 4(Ga), dated March 12, 1970.

LOCAL SELF-GOVERNMENT DEPARTMENT

G. S. R. 118.—Jaipur, March 12, 1969.—In exercise of the powers conferred by sub-section (1) of section 299 of the **Rajasthan Municipalities Act, 1959** (Rajasthan Act 38 of 1959), the State Government hereby delegates its powers under sub-section (2) of Section 80 of the said Act to all the Collectors, to accord previous sanction to any sale of immovable property not exceeding rupees five thousand in value by any Municipal Board (Excepting City Councils) within their respective jurisdictions.

Published in the *Rajasthan Gazette*, Part 4(Ga), dated February 28, 1970.

FINANCE (EXCISE) DEPARTMENT

S. O. 278.—Jaipur, February 28, 1970 —In exercise of the powers conferred by sub section (4) of section 19 of the **Rajasthan Excise Act, 1950** (Rajasthan Act 2 of 1950) read with section 13 thereof and in partial modification of this department Notification No. F. 1(62)FD/Ex/67/3012, dated the 29th September, 1967, published in the *Rajasthan Gazette*, Extraordinary, dated 29th September, 1967, Part IV C, the State Government hereby further prohibits, with effect on and from the 1st day of April, 1970, possession by all persons in, import into, or transport within, the areas comprising of revenue districts of Barmer, Jaisalmer and Jalore and of tehsils Gogunda, Dhariawad and Sarada of Udaipur district liquors, subject to the conditions specified in the Rajasthan Liquor Prohibition Rules, 1967.

S. O 280.—Jaipur, February 28, 1970 —In exercise of the powers conferred by sub-section (3) of section 1 of the **Rajasthan Prohibition Act, 1969** (Rajasthan Act 17 of 1969), the State Government specifies the following further areas in the State in which, and 1st April, 1970 as the date on which the said Act shall come into force :—

1. Districts of Barmer, Jaisalmer and Jalore ; and
2. Tehsil of Gogunda, Dhariawad and Sarada of Udaipur District.

Published in the *Rajasthan Gazette*, Ext., Part 4(I), dated February 24, 1970.

TOWN PLANNING DEPARTMENT

G. S. R. 95.—Jaipur, February 24, 1970.—In exercise of the powers conferred by sub-section (1) of Section 74 of the **Rajasthan Urban Improvement Act, 1959** (Rajasthan Act 35 of 1959) the State Government hereby makes the following rules, having been previously published as required under sub-section (2) of Section 74, to amend the Rajasthan Urban Improvement Trust (General) Rules, 1962, namely :—

1. *Short title.*—These rules may be called the **Rajasthan Urban Improvement Trust (General) (Amendment) Rules, 1969.**

2. *Amendment of rule 3.*—For sub-rules (1), (2) and (3) of rule 3 of the Rajasthan Urban Improvement Trust (General) Rules, 1962, hereinafter referred to as the said rules, the following sub-rules shall be substituted, namely :—

“(1) The draft master plan prepared by the Officer or the Authority appointed under section 3 of the Rajasthan Urban Improvement Act, 1959, shall be published by him by making a copy thereof available for inspection at the office of the Trust concerned and publishing a notice in the form ‘A’ in the official Gazette and in at least two popular daily Newspapers having circulation in the area inviting suggestions and objections from every person with respect to the Draft Master Plan within a period of 30 days from the date of the publication of the said notice.

(2) The notice referred to in sub-rule (1) together with a copy of the Draft Master Plan shall be sent by the Officer or the Authority to each of the Local Body operating in the area included in the Master Plan.

(3) The Draft Master Plan shall ordinarily consist of the following maps, plans and documents, namely :—

(a) Town Map showing General Lay out of the roads and streets in the Town.

(b) Base Map showing the generalised existing land use pattern, such as residential, commercial, Industrial, Public and Semi-Public uses etc.

(c) Draft Master Plan showing broadly the proposed land use pattern in the Urban area such as residential, commercial, Industrial, Public and Semi-Public uses etc.

(d) Written analysis and written statement to support the proposals.

(e) Any other maps, plans or matter which the Officer or the Authority deem fit or as the State Government may direct the officer or the Authority, in this regard."

3. *Amendment of rule 4.*—In rule 4 of the said rules—

(i) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely :—

"(1) After considering the objections, suggestions and representations which may be received by the Officer or the Authority appointed under Section 3 to prepare the Master Plan, the Officer or the Authority shall in consultation with the Advisory Council, appointed under Section 3 of the Act finalise the Master Plan and submit the same to the State Government for approval.

(2) When a Master Plan has been approved by the State Government, it shall publish in the Official Gazette, a Notice in form 'B' stating that the Master Plan has been approved and a copy thereof would be available in the office of the Trust/Municipality concerned which may be inspected during office hours on any working day."

(ii) sub-rule (3) shall be deleted and sub-rules (4), (5) and (6) shall be re-numbered as sub-rules (3), (4) and (5) thereof respectively.

4. *Substitution of Forms*—For the existing forms I and II given at the end of the rules, the following forms shall be substituted, namely :—

FORM 'A'

(see Rule 3)

NOTICE

In pursuance of sub-section (1) of Section 5 of the Rajasthan Urban Improvement Act, 1959, read with rule 3 of the Rajasthan Urban Improvement Trust (General) Rules, 1962 notice is hereby given that the draft of the Master Plan has been prepared in respect of the following areas :—

Any person may submit objections and suggestions with respect to the said Draft Master Plan within a period of 30 days from the date of the publication of this notice in the Official Gazette to the undersigned.

*Officer or Authority
appointed under section 3 of the Act.*

FORM 'B'

(see Rule 4)

NOTICE

In pursuance of Section 7 of Rajasthan Urban Improvement Act, 1959, read with Rule 4 framed thereunder Notice is hereby given that the Master Plan prepared in respect of the following areas has been approved by the State Government.

Copy of this Master Plan may be inspected in the Office of the Urban Improvement Trust/Municipality on any working day during office hours.

Published in the *Rajasthan Gazette* Ext., Part-4(I), dated January 9, 1970

FINANCE DEPARTMENT

G.S.R. 85.—Jaipur, January 9, 1970.—In exercise of the powers conferred by section 26 of the Rajasthan Sales Tax Act, 1954 (Rajasthan Act 29 of 1954), the State Government hereby makes the following rules further to amend the Rajasthan Sales Tax Rules, 1955 and orders with reference to the proviso to sub-section (4) of the said section that previous publication of these rules is dispensed with as the State Government is satisfied that circumstances exist which render it necessary to take immediate action:—

RAJASTHAN SALES TAX (FIRST AMENDMENT) RULES, 1970

1. These rules may be called the Rajasthan Sales Tax (First Amendment) Rules, 1970.

2. In the Rajasthan Sales Tax Rules, 1955, hereinafter referred to as the said rules, after sub rule (2) of rule 17A, the following new sub-rules (3) and (4) shall be inserted, namely:—

“(3) An application under sub-section (4A) of section 6 B shall be made in form S. T. 43 within 30 days from the date the person holding a provisional certificate starts selling goods manufactured by him.

(4) The endorsement under sub-section (4A) of section 6B shall be in the following form, namely:—

“As the manufacturer has started selling goods manufactured by him with effect from ———, this certificate shall be deemed to be a certificate issued under section 6/8A with effect from ———

Date ——— Asstt./Commercial Taxes Officer,
———Ward———Circle.”.

3. In rule 37 of the said rules, —

(a) in the marginal heading, for the expression “or revisional”, the expression “revisional or special appellate” shall be substituted, and

(b) for the words “or revision”, the expression, “revision or special appeal” shall be substituted

4. In sub rule (1) of rule 38 of the said rules after the expression “excess of tax due”, the expression “or interest is refundable under the first proviso to section 11 B” shall be inserted.

5. After rule 38B of the said rules, the following new rule 38C shall be inserted, namely:—

“38 C. *Refund under sub-section (3) of section 5C.*—(1) A dealer claiming refund under sub-section (3) of section 5C shall submit in form S. T. 44 a statement of raw materials used by him in the manufacture of goods sold by him in the course of export out of the territory of India, to the assessing authority at the time of his assessment for the year of accounts in which the goods manufactured by him were actually sold.

(2) The assessing authority after making such enquiry as he deems necessary and after giving the dealer a reasonable opportunity of being heard, shall determine the amount to be refunded, which may be adjusted against the tax liability, if any of the dealer assessed and after so adjusting the said amount, the excess amount shall be refunded to the dealer in accordance with rule 38”.

6. The existing rule 39 of the said rules shall be numbered as sub-rule (1) thereof and after sub-rule (1) as so numbered the following new sub-rules (2), (3) and (4) shall be inserted, namely:—

"(2) An application for revision under section 14 in respect of the following cases shall be heard and disposed of by a bench of the Board of Revenue consisting of two or more members:—

(i) application for revision against an order under section 12 A or rule 52;

(ii) application for revision involving classification of goods for the purpose of rate of tax or exemption from tax; and

(iii) application for revision where the disputed amount of tax or penalty or both, involved is Rs. 40,000/- or more.

Explanation—Miscellaneous applications connected with cases mentioned in clauses (i) to (iii) above are included in these categories.

(3) All other revision applications not covered by sub-rule (2) may be heard and disposed of by the Chairman or any member of the Board of Revenue sitting singly.

(4) Save as otherwise provided in the first proviso to sub-section (5) of section 14, the Board of Revenue shall not stay any proceedings pending disposal of a revision application."

7. In rule 41 of the said rules,—

(a) in the marginal heading, after the word "revision", the expression "or special appeal" shall be added;

(b) in sub-rule (1), for the expression "or revising authority", the expression "revising or special appellate authority", and for the expression "or application", the expression "application or special appeal", shall be substituted; and

(c) in sub-rule (2), after the expression "application for revision", the expression "or special appeal" shall be inserted and for the expression "or revising authority" wherever occurring the expression "revising or special appellate authority" shall be substituted.

8. After rule 41 of the said rules, the following new rule 41A shall be inserted, namely:—

'41A. *Procedure for making special appeal under sub-section (4A) of section 14.*—The provisions of rules 33 to 36 and 39 (4) shall apply mutatis-mutandis to the special appeals made under sub-section (4A) of section 14."

9. Clause (c) of sub-rule (1) of rule 59 of the said rules shall be deleted.

10. In rule 64 of the said rules, in column 2,—

(a) against S. No. 1 (a) after the expression "section 13" the expression "and special appeal under section 14 (4A)" shall be inserted; and

(b) against S. No. 2 after the expression "section 12A", the expression "and section 12B" shall be inserted,

11. In form S. T. 5 appended to the said rules,—

(a) after item 13, the following new item 13A shall be inserted, namely:—

"13A. Turnover under section 5F liable to payment of lump sum in lieu of tax Rs. ————paise———"

(b) after item 15, the following new item 15A shall be inserted, namely:—

"15A (i) Lump sum payable on turnover under section 5F in accordance with rule 29 B Rs. ————paise———"

(ii) Less sum already paid Rs. ————paise———"

(iii) Balance being paid herewith Rs. ————paise———"

12. For the form S.T. 8 and S. T. 9 appended to the said rules, the following forms shall be substituted, namely:—

FORM S.T. 8.

(See rule 32)

(Space of court fee stamps)
 (State here the amount of court fee stamps affixed). FORM OF MEMORANDUM OF APPEAL

APPEAL NO.....of.....

To

The Deputy Commissioner,
 Commercial Taxes (Appeals),

Ref.—Appeal under the Rajasthan Sales Tax Act.

1. Name (s) of the appellant (s)
2. Address to which notice may be sent to the appellant (s).
3. Authority passing the order in dispute.
4. Date of order against which appeal is made.
5. Period of assessment from———to———
6. Date of the service of the notice of demand or of the order appealed against.
7. A certified copy of the order appealed against is attached.
8. Relief claimed in appeal:—
 - (a) Turnover/aggregate of purchase prices determined by the assessing authority———
 - (b) If turnover/aggregate of purchase price is disputed———
 - (i) Disputed turnover/aggregates of purchase prices———
 - (ii) Tax on the disputed turnover/aggregate of purchase prices———
 - (c) If rate of tax disputed—
 - (i) Turnover/aggregate of purchase of prices involved———
 - (ii) Amount of tax disputed———
 - (d) If the order of penalty is disputed—
 - (i) Section under which penalty imposed———
 - (ii) Amount of penalty in dispute———
 - (e) Any other relief claimed———
9. Grounds of appeal etc.

VERIFICATION

The appellant(s)———named above does/do hereby declare that what is stated herein is true to the best of his/their knowledge and belief.

Verified today the———day of———19 .

Place———

Signed———

Signed———(Appellants)

Authorized representative, if any

Note.—(i) The appeal should be accompanied by the order appealed against in original or by certified copy thereof and by proof of payment of the tax admitted by the appellant(s) to be due or of such instalments thereof as might have become payable.

(ii) Strike out whatever is not applicable.

FORM S.T. 9

(See Rule 39)

“Space of court fee stamps”

(State here the amount of court fee stamps affixed)

FORM OF APPLICATION OF REVISION

Revision No.....of.....

To

The Board of Revenue,
 Rajasthan, Ajmer

Reference.—Revision under the Rajasthan Sales Tax Act.

1. Name(s) of the petitioner(s)———
2. Addresses to which notices may be sent to the petitioner(s) and Respondent(s)———
3. Authority passing the order in dispute———
4. Date of order sought to be revised———
5. Period of assessment from———to———
6. A certified copy of the order (s) sought to be revised is attached
7. Relief claimed in revision—
 - (a) If turnover/aggregate of purchase prices is disputed——
 - (ii) Tax due on the disputed turnover/aggregate of purchase prices —
 - (b) If rate of tax is disputed——
 - (i) Turnover/aggregate of purchase prices involved——
 - (ii) Amount of tax disputed——
 - (c) If the order of penalty is disputed——
 - (i) Section under which penalty imposed——
 - (ii) Amount of penalty in dispute——
 - (d) Any other relief claimed——
8. Grounds of revision etc.

VERIFICATION

The petitioner (s)———named above does/do hereby declare :—

- (i) that the said order is not appealable;
- (ii) that no appeal from the said order is pending; and
- (iii) that what is stated therein is true to the best of his/their knowledge and belief.

Verified today the——day of———19.

Place———

Signed———

Signed———

(Petitioners)

Authorised representative, if any.

Notes:—(1) The revision application should be accompanied by the original order or a certified copy thereof which is sought to be revised.

(ii) Strike out whatever is not applicable."

13. In from S. T. 13, appended to the said rules, in Foil II in the certificate No. 2, after the word "tax" the words "or interest" shall be inserted.

14. In form S. T. 14, appended to the said rules, in the original foil and the counter foil, in the certificate No. 2, after word "tax" the words "or interest" shall be inserted.

15. In the said rules, after the existing form S. T. 42, the following forms S.T. 43 and S.T. 43s shall be added, namely :—

"FORM S.T. 43

(See rule 17-A)

The Assistant/Commercial Taxes Officer,

Ward———Circle———.

Sub:—Provisional R.C. No.———

S r,

I/We———the Proprietor/Partner (s)/Manager/Director (s) of M/s———(name and address) holder of provisional R.C. No.———declare that I/We have started selling goods manufactured by me/us from———and my/our sales from———to———have been of Rs.———

I/We thereforerequest that you may kindly record an endorsement

under rule 17-A on my/our provisional certificate which is enclosed, treating the same as having been issued under section 6*/6-A*.

Yours faithfully.

Signature—

Status—

M/s—

Address —

Place—

Dated—

*Strike out which is not applicable.

S.T. 44

(See rule 28-C)

STATEMENT OF SALES OF FINISHED GOODS MADE IN THE COURSE OF EXPORT OUT OF THE TERRITORY OF INDIA AND RAW MATERIAL USED IN THE MANUFACTURE THEREOF.

1. Name and address of the dealer—R/C No.———
2. Year of Accounts— from— to—
3. (a) Nature and sale price of finished goods made out of raw materials mentioned in Table I and S. No. 4 below and sold in the course of export out of the territory of India. during the year of accounts—

- (b) Nature and sale price of finished goods made out of raw materials mentioned in Table II and S. No. 4 below and sold in the course of export out of the territory of India—

Particulars of raw material purchased finished products of which were sold in the course of export out of the territory of India—

(i) Nature of raw materials purchased—

(ii) Amount of raw materials purchased—

(iii) Amount of tax paid (i) to Govt.—

(ii) to a registered dealer—

(iv) Amount of refund claimed particulars of which are as under—

TABLE I

(a) Particulars of goods purchased at the rate higher than 4%

Nature of raw material	Rate at which taxable	Total price of raw materials	Amount of tax paid on purchases	Amount of tax payable @ 4%	Amount refundable
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Total

TABLE II

(b) Particulars of goods purchased at the concessional rate of 1%

Nature of raw material	Rate at which taxable	Total price of goods	Amount of tax paid at 1%	Differential tax payable u/s 5 c (3) (b)
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Total

Amount refundable as shown in Table I Rs.———

Amount payable as shown in Table II Rs. _____
 Difference. +/(-) Rs. _____

Certified that the particulars given above are correct to my knowledge and belief.

Signature _____

Status _____

M/s _____

Address _____

Place _____

Date _____

Published in the *Rajasthan Gazette*, Part 4 (Kha), dated February 13, 1970.

The Rajasthan Housing Board Ordinance 1970.

Rajasthan Ordinance No 3 of 1970.

An Ordinance to provide for measures to be taken to deal with and satisfy the need of housing accommodation in the State of Rajasthan.

Whereas it is expedient to provide for the execution of housing and improvement schemes and to carry out such works as are necessary for the purpose of dealing with and satisfying the need of housing accommodation and with that object in view to establish a Housing Board for the State of Rajasthan and to make provision for matters connected therewith or incidental thereto.

And whereas the Rajasthan Legislative Assembly is not at present in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred on him by Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Twenty-first Year of the Republic of India, the following Ordinance, namely:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(i) This Ordinance may be called the Rajasthan Housing Board Ordinance, 1970.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date and in such areas as the State Government may, by notification in the official Gazette, appoint.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(1) “adjoining area” means such area as may be specified to be an adjoining area under section 28 of this Ordinance;

(2) “Board” means the Rajasthan Housing Board constituted under section 4 of this Ordinance;

(3) “Board premises” means any premises belonging to or vesting in, the Board or taken on lease by the Board or any premises which is entrusted to, or in the possession or control of, the Board for the purposes of this Ordinance;

(4) “building materials” means such commodities or articles as are specified by the State Government by notification to be building materials for the purposes of this Ordinance;

(5) “bye-laws” means bye-laws made under section 54 of this Ordinance;

(6) “Chairman” means the Chairman of the Board;

(7) "Committee" means any committee appointed under section 19 of this Ordinance;

(8) "Government or State Government" means the Government of the State of Rajasthan;

(9) "Housing Commissioner" means the Housing Commissioner of the Board;

(10) "Housing Scheme" means a housing scheme framed under this Ordinance.

(11) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;

(12) "local authority" includes a Municipal Board established under section 7 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), a Panchayat established under section 3 of the Rajasthan Panchayat Act, 1953 (Act 21 of 1953) or a Panchayat Samiti or a Zila Parishad respectively constituted under section 7 and 42 of the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Act 37 of 1959) ;

Explanation—The expression "Municipal Board", wherever used in this Ordinance, shall be deemed to include a Municipal Corporation, a Municipal Council or any other Municipal authority ;

(13) "master plan" means the master plan prepared and approved for any urban area in accordance with the provisions of Chapter II of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959) ;

(14) "member" means the Chairman and other members of the Board ;

(15) "notification" means a notification published in the Official Gazette ;

(16) "premises" means any land or building or part of a building and includes —

(i) the gardens, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(17) "prescribed" means prescribed by rules ;

(18) "programme" means the annual housing programme prepared by the Board under this Ordinance ;

(19) "regulations" means regulations made under section 53 of this Ordinance ;

(20) "rules" means rules made under section 52 of this Ordinance ;

(21) "Secretary" means the Secretary of the Board ;

(22) "Trust" means an Improvement Trust established under section 8 of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959);

(23) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

3. All words and expressions used but not defined in this Ordinance shall have the same meanings as are assigned to them by the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959) or the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) as may be relevant in the context.

CHAPTER II

Establishment of the Board

4. *Establishment of the Board.*—(1) The State Government may, by notification in the Official Gazette, establish, for the purposes of this Ordinance, a Board to be called "The Rajasthan Housing Board", hereinafter called the 'Board', with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to enter into contracts and may by its corporate name sue and be sued and do all things and acts necessary for the purposes of this Ordinance.

(3) For the purposes of this Ordinance and the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953), the Board shall be deemed to be a local authority.

Explanation—The purposes of this Ordinance referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the Board under or for the purposes of this Ordinance and the exercise of its rights over and with respect to such lands and buildings for the purposes of this Ordinance.

5. *Constitution of the Board.*—(1) The Board shall consist of a Chairman appointed by the State Government and of the following other members, namely :—

(a) Financial Commissioner, Government of Rajasthan, ex-Officio member ;

(b) Secretary to Government, Town Planning Department, ex-Officio member ;

(c) Chief Town Planner and Architectural Advisor, ex-Officio member ;

(d) Housing Commissioner of the Board, ex-Officio member ; and

(e) four non-official members, appointed by the Government, one of whom shall be the Chairman of the Rajasthan Co-operative Housing Finance Society or a Director nominated by the Society, if the Chairman of the Rajasthan Housing Board is also the Chairman of the Society.

(2) The names of the Chairman and other members appointed under sub-section (1) shall be published in the Official Gazette.

(3) A non-official member of the Board may at any time resign his office by submitting his resignation to the State Government :

Provided that the resignation shall not take effect until it is accepted by the Government.

(4) The State Government may, by notification in the Official Gazette, remove from office the Chairman or any other member who—

(a) is, or has become, subject to any of the disqualifications mentioned in section 7, or

(b) in the opinion of the State Government, has been guilty of any misconduct or neglect or has so flagrantly abused his position as to render his continuance as member detrimental to the interests thereof or of the general public :

Provided that no person shall be removed from office unless he has been given an opportunity to show cause against his removal.

6. *Term of office of the Chairman and non-official members.*—(1) The Chairman and the non-official members of the Board shall hold office for a period of three years from the date of their appointment as Chairman, or as the case may be, other members :

Provided that the term of office of the Chairman and the non-official members may be extended by the Government for a period not exceeding two years :

Provided further that the term of office of the Chairman or a member who holds such office by virtue of his being a Chairman or Director of the Rajasthan Co-operative Housing Finance Society, shall be for such period during which he continues to be the Chairman or a Director of the said Society or till the expiry of the term of the Board, whichever is earlier.

(2) The Chairman and the non-official members shall on expiry of the term of their office be eligible for re-appointment.

7. Disqualifications of appointment on the Board.—(1) A person shall be disqualified for being appointed or for continuing as the Chairman or member of the Board, if he—

(a) has been convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside ;

(b) is an undischarged insolvent ;

(c) is of unsound mind ;

(d) is an officer or servant under the Board ;

(e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Board ; or

(f) is a director or a secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board.

(2) A person shall not, however, be disqualified under clause (e) or clause (f) of sub section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his or the incorporated company of which he is a director, secretary, mannager or other salaried officer, having a share or interest in—

(i) any sale purchase, lease or exchange of immovable property or any agreement for the same ;

(ii) any agreement for the loan of money or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted ;

(iv) the occasional sale to the Board upto a value not exceeding two thousand rupees in any one year, of any article in which he or the incorporated company regularly trades.

(3) A person shall not also be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment with by or on behalf of, the Board, by reason only of his being a share holder of such company :

Provided that such person discloses to the Government the nature and extent of the shares held by him.

Explanation.—For the purposes of clause (d) of sub-section (1), the Chairman or the Housing Commissioner shall not be deemed to be an officer or servant under the Board.

8. Remuneration to the Chairman and members.—(1) The Chairman shall be paid such remuneration and allowances as may, from time to time, be fixed by the Government.

(2) Every member shall receive such allowances as may be fixed by the Government.

(3) The allowances to the members and the remuneration to the Chairman shall be paid from the fund of the Board.

9. Leave of absence for the Chairman and appointment of an acting Chairman—(1) The Government may, from time to time, grant to the Chairman such leave as may be admissible under the rules.

(2) Whenever there is a temporary vacancy in the office of the Chairman, the Government may appoint a person to act as Chairman during the period of such vacancy and shall pay to such person such remuneration and allowances as may be fixed by them. The person so

appointed shall be deemed for all purposes of this Ordinance to be the Chairman

10. *Vacancy of a member.*—If a member—

(a) becomes subject to any of the disqualifications mentioned in section 7,

(b) tenders his resignation in writing to the Government and the same is accepted, or

(c) is absent without the permission of the Board from three consecutive meetings of the Board, he shall cease to be a member, from such date as the Government may declare.

11. *Vacancy to be filled as early as practicable*—Any vacancy of the Chairman or a member of the Board shall be filled in as early as practicable and the term of such appointment shall be for the remainder of the term of the Chairman or the member as the case may be.

Provided that during any such vacancy, the continuing members may act, as if no vacancy had occurred.

12. *Proceedings presumed to be good and valid.*—No disqualification of or defect in the appointment of any person acting as Chairman or a member of the Board shall be deemed to vitiate any act or proceeding of the Board, if such act or proceeding is otherwise in accordance with the provisions of this Ordinance.

13. *Temporary absence of members.*—If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Ordinance or any rule or regulation made thereunder.

14. *Appointment of officers and servants and creation of posts.*—(1)—The Board shall have a Housing Commissioner, a Secretary, a Chief Accounts Officer and such other officers and servants as the Board may consider necessary for the efficient performance of its functions

(2) The appointments of the Housing Commissioner, Secretary and Chief Accounts Officer shall be made by the Board, subject to the previous approval of the Board shall be made by the Board :

Provided that the Board shall not appoint any officer in the scale of pay the maximum of which exceeds one thousand and two hundred rupees a months, without obtaining the previous sanction of the State Government.

(3) The Board shall have power to create any post on its establishment:

Provided that no new post, the scale of pay of which exceeds one thousand and two hundred rupees per month shall be created by the Board, without the previous sanction of the State Government.

15. *Conditions of service of officer and servants*—The remuneration and other conditions of service of the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board shall be such as may be determined by regulations.

16. *Provident Fund.*—(1) The State Government shall establish a provident fund for the Housing Commissioner, Secretary, Chief Account Officer and other officers and servants of the Board and such provident fund shall be deemed to be a Government Provident Fund for the purposes of the Provident Funds Act, 1925 (Central Act XIX of 1925), notwithstanding anything contained in section 8 thereof and such fund may be administered by such officers of the State Government, or of the

Board, as the State Government may specify in that behalf.

(2) The Board shall, in respect of each of its employees who is a subscriber to the said fund, pay into the said fund such portion of the contribution in such manner as the State Government may, from time to time, determine.

17. *Preparation and maintenance of schedule of establishment.*—Before the first day of May of every year, the Board shall prepare and maintain a schedule of establishment as on the first day of April of that year showing—

(i) the number, designations and grades and scales of pay of the officers and servants (other than the employees who are paid by the day or whose pay is charged to any temporary work), whom it considers necessary and proper to employ for the purposes of this Ordinance;

(ii) the amount and nature of the salary fees and allowances to be paid by the Board to each such officers or servant; and

(iii) the amount to be paid by the Board towards leave salary, pension, provident fund or any other purpose in respect of each officer or servant.

18. *General disqualification of all officers and servants.*—No person who has directly or indirectly by himself or his partner or agent any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

19. *Appointment of Committees.*—(1) Subject to any rules made in this behalf, the Board may from time to time appoint one or more Committees for the purpose of securing the efficient discharge of its functions, and in particular for the purpose of securing that the said functions are discharged with due regard to the circumstances and requirements of particular local areas.

(2) Any Committee appointed under sub-section (1) shall meet to discharge the functions assigned to it in such manner as may be directed by the Board.

Conduct of Business

20. *Meetings of the Board.*—The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely :—

(a) an ordinary meeting shall be held once in every two months;

(b) Chairman may, whenever he thinks fit, call special meetings;

(c) every meeting shall be presided over by the Chairman and in his absence, by any member chosen by the meeting to preside for the occasion ;

(d) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote ; and

(e) the minutes of the proceedings of each meetings shall be recorded in a book to be provided for the purpose.

21. *Temporary Association of persons with Board for particular purpose.*—(1) The Board may associate with itself, any person whose assistance or advice it may desire for carrying into effect any of the provisions of this Ordinance :

Provided that the number of persons so associated shall not be more than three.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the deliberations of the Board relevant to that purpose, but shall not have the right to vote.

(3) The State Government may, by order, depute its representatives to attend any meeting of the Board and to take part in the deliberations of the Board, on such items or subjects as the State Government may specify, but such representatives shall not have the right to vote.

Power to make contracts.—The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Ordinance.

Execution of contract.—(1) Every contract shall be made on behalf of the Board by the Chairman :

Provided that :—

(a) no contract involving an expenditure of rupees ten lacs and more shall be made without the previous sanction of the State Government ; and

(b) no contract involving an expenditure of five thousand rupees and more shall, subject to clause (a) above, be made without the previous sanction of the Board.

(2) Sub-section (1) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate,

24. *Delegation of Board's power to sanction contracts.*—Subject to any rule which the State Government may make in this behalf, the Board may by order direct that the power conferred on it under section 23 to sanction a contract shall be exercised by the Housing Commissioner or any other officer specified by it in the order.

25. *Further provisions as to execution of contract.*—(1) Every contract by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(2) A contract not executed as provided in this section and the rules made thereunder shall not be binding on the Board,

CHAPTER III

Housing Schemes

26. *Powers and duties of the Board to undertake Housing Schemes.*—

(1) Subject to the provisions of this Ordinance and subject to the control of the State Government, the Board may, from time to time incur expenditure and undertake works in any area in which this Ordinance is in force for the framing and execution of such housing Schemes as it may consider necessary.

(2) The Housing scheme may be of one of the following types, or combination of any two or more of such types or of any special features thereof, namely:—

- (a) A house accommodation scheme ;
- (b) a rebuilding scheme ;
- (c) a rehousing or rehabilitation scheme ;
- (d) a city or town or village expansion scheme ;
- (e) a street scheme ;
- (f) a land development scheme ;
- (g) a general improvement scheme ;
- (h) an Urban Renewal Scheme including Slum Clearance or Slum Improvement Schemes ; or
- (i) Subsidised Industrial Housing Scheme.

(3) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any housing scheme whether provided for by this Ordinance or not and the Board shall thereupon undertake the framing and execution of such scheme as if it had been provided for by this Ordinance.

(4) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the State Government, take over for execution any housing scheme on behalf of a local authority or co-operative society or on behalf of an employer when the houses are to be built mainly for the residence of his employees, and the Board shall execute such scheme as if it had been provided for by this Ordinance.

72 *Ban on new constructions or additions or alterations in the proposed scheme area*—The Board shall, as soon as it frames and decides to execute any scheme either at its own instance or at the instance of the State Government or a local authority, the State Government may, at the request of the Board, publish a notification in the Official Gazette giving particulars and specifications of the scheme and declaring that the Board has decided to frame and execute the scheme together with a notice inviting every person interested to see the detailed plans specifications of the scheme in the office of Board on any working day within one month of the publication of the notice, and upon such publication of such notification together with the notice as aforesaid, no person shall make any new construction in the area covered by the scheme or make any additions or alterations in any existing structure in the scheme area without the written permission of the Board.

28. *Matters to be provided for by housing schemes*.—Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely:—

(a) the acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;

(b) the laying or re-laying out of any land comprised in the scheme;

(c) the distribution or redistribution of site belonging to owners of property comprised in the scheme;

(d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;

(e) the demolition of obstructive buildings or portions of Buildings;

(f) the construction and reconstruction of buildings;

(g) the sale, letting or exchange of any property comprised in the scheme;

(h) the construction and alteration of streets and back lanes;

(i) the formation of a reconstituted plot by the alterations of the boundaries of an original plot;

(j) the allotment of a plot to any owner dispossessed of his land in furtherance of the housing scheme;

(k) the transfer of ownership of a plot from one person to another;

(l) the reconstitution of two or more plots belonging to different persons into one plot without changing their boundaries and making them joint property with the consent of the owners of the original plots;

(m) the provision of draining, water-supply and lighting of the area included in the scheme;

(n) the provision of parks, playing fields and open spaces for the benefit of any area comprised in the scheme or any adjoining areas, and the enlargement of existing parks, playing-fields open space and approaches;

(o) the reclamation or reservation of lands for markets, gardens playing-fields, schools, dispensaries, hospitals and other amenities in the scheme;

(p) the letting out, management and use, of the Board premises;

(q) the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation of, and prevention of any injury or contamination to reverse or other sources and means of water-supply;

(r) the provision of accommodation for any class of inhabitants;

(s) the advance of money for the purpose of the scheme;

(t) the provision of facilities for communication and transport;

(u) the collection of such information and statistics as may be necessary for the purposes of this Ordinance;

(v) any other matter for which, in the opinion of the State Government, it is expedient to make provision with a view to provide housing accommodation and to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.

Explanation.—For the purpose of this section, the State Government may, on the recommendation of the Board, by notification in the official Gazette specify such area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

29. *Submission of budget to Board.*—(1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board, a budget of the Board, for the next year.

(2) Every such budget shall be prepared in such form as may be prescribed and shall make provision for—

(i) the housing schemes which the Board proposes to execute whether in part or whole during the next year.

(ii) the due fulfilment of all the liabilities of the Board, and

(iii) the efficient administration of this Ordinance and shall contain a statement showing the estimated receipts, and expenditure on capital and revenue accounts for the next year, and such other particulars as may be prescribed.

30. *Board's sanction to budget.*—The Board shall consider the budget laid before it under the last preceding section and sanction it with or without modifications.

31. *Submission of sanctioned budget to State Government for approval.*—

(1) Every Budget sanctioned by the Board under the last preceding section shall be submitted to the State Government for approval. At any time after the receipt of the budget, the State Government may approve the budget as sanctioned by the Board or return it to the Board for making such modifications therein as the State Government may deem fit.

(2) Where a budget is returned to the Board by the State Government for making any modifications, therein the Board shall forth with make such modifications and submit the budget as so modified to the State Government, which may then approve it.

32. *Supplementary budget.*—The Chairman may, at any time during the year for which a budget has been approved by the State Government, lay before the Board a supplementary budget and the provisions of sections 28, 29, 30 and 31 shall apply to such Supplementary budget.

33. *Publication and execution of housing schemes.*—After the budget is approved by the State Government, the Board shall cause the housing schemes, in respect of which provision is made in the budget, to be published in the Official Gazette in such manner as may be prescribed and proceed to execute the scheme.

34. *Variation of housing schemes.*—The Board may at any time vary any housing schemes or any part thereof included in the budget approved by the State Government :

Provided that no such variation shall be made if it involves an expenditure in excess of 10 per cent of the amount as included in the budget approved by the State Government for the execution of any housing scheme or if it affects the scope or purpose of such scheme.

5. *Transfer to the Board for purposes of housing scheme of land vested in a local authority.*—(1) Whenever any street, square or other land, or any part thereof, situated in any area of a local authority and vested in a local authority is required for the purposes of any housing scheme included in the budget approved by the State Government, the Board shall give notice to the local authority concerned to transfer to it the required street, square or other land, or any part thereof as the case may be.

(2) Where the local authority consents, such street, square or other land, or part thereof, shall vest in the Board.

(3) Where there is any dispute, the matter shall be referred to the State Government. The State Government shall, after hearing the local authority concerned, decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square, land, or part thereof, shall vest in the Board, it shall vest accordingly.

(4) The vesting of street, square, land or a part thereof under sub-section (2) or (3) of the section shall be notified in the Official Gazette.

(5) Nothing in this section shall affect the duties and obligations of the local authority in respect of such street, square or land and the local authority concerned shall be liable to render all the municipal services usually provided by it in the land vested in the Board under this section, notwithstanding such vesting.

36. *Power of Board to turn or close public street vested in it*—(1) The Board may turn, divert, discontinue the public use of or permanently close, any public street or a part thereof vested in it.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street or any part thereof, vested in it, it shall, as far as practicable, provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the street or part thereof.

(3) When any public street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required.

37. *Vesting in local authority of streets laid out or altered and open space provided by the Board under housing scheme.*—(1) Whenever the State Government is satisfied—

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained as required for any housing schemes approved by the State Government under section 31.

(b) that such lamps lamp-posts and other apparatus as the local authority concerned considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and

(c) that water and other sanitary conveniences have been duly provided in such street,

it may declare the street to be a public street and the street shall thereupon vest in the local authority concerned and shall thenceforth be maintained, kept in repair, lighted and cleaned by the local authority concerned.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may at its option by resolution transfer such open space to the local authority concerned on completion of the scheme and thereupon such open space shall vest in, and be maintained at the expense of the local authority :

Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay-out such space and provide foot paths therein, and if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and local authorities in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government whose decision thereon shall be final.

38. *Other duties of the Board* —(1) It shall be the duty of the Board to take necessary measures to maintain, allot, lease and otherwise use the Board premises and to collect rents, compensation and damages in respect thereof.

(2) The Board may, —

(i) provide technical advice to the State Government and scrutinize projects under housing schemes in the area to which this Ordinance extends when required by the State Government to do so;

(ii) undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions ;

(iii) undertake comprehensive surveys of problems of housing; and

(iv) do all things for—

(a) unification, simplification and standardisation of building materials ;

(b) encouraging pre-fabrication and mass production of house components ;

(c) organising or undertaking the production of building materials for residential or non-residential houses ; and

(d) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

39 *Power to exempt schemes from provisions of sections of section 29 to 34* —The State Government may by general or special order published in the Official Gazette, exempt any housing scheme undertaken by the Board from all or any of the provisions of section 29 to 34 (both inclusive) subject to such conditions, if any, as it may impose or may direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

CHAPTER IV

Finance, Accounts and Audit.

40. *Board's Fund*.—(1) The Board shall have its own fund.

(2) The Board may accept grants, subventions, donations and

gifts from the Central or State Government or a local authority or any individual or body, whether incorporated or not for all or any of the purposes of this Ordinance.

(3) The State Government may every year make a grant to the Board of a sum equivalent to the administrative expenses of the Board;

Provided that the amount of such grant may be reduced or discontinued to the extent the financial position of the Board warrants.

(4) All moneys received by or on behalf of the Board by virtue of this Ordinance, all proceeds of land or any other kind of property sold by the Board, all rents and all interest, profits and other moneys accruing to the Board shall constitute the fund of the Board.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the Reserve Bank of India or in any nationalised Bank or invested in such securities as may be approved by the State Government.

(6) Such account shall be operated upon by such officers as may be authorised by the Board.

41. *Application of the fund*—All property, fund and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Ordinance.

42. *Expenditure in case of urgency*.—(1) Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year.—

(a) recurring expenditure not exceeding twenty-five thousand rupees, and

(b) non-recurring expenditure not exceeding one lac of rupees.

(2) Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report there of indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government.

43. *Subventions and loans to the Board*.—(1) The State Government may from time to time make subventions to the Board for the purposes of this Ordinance on such terms and conditions as the State Government may determine.

(2) The State Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Ordinance as the State Government may determine.

44. *Power of Board to Borrow*—(1) The Board may, from time to time with the previous sanction of the State Government and subject to the provisions of this Ordinance and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Ordinance.

(2) The rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of debentures and to make arrangements with bankers or the Life Insurance Corporation of India.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government may, from time to time, determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by

the State Government.

45. *Accounts and audit.*—(1) The Board shall cause to be maintained proper books of accounts and such other books as the rules may require and shall prepare in accordance with the rules an annual statement of accounts.

(2) The Housing Board accounts shall, from time to time, once in every year be audited by the Examiner of Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act 28 of 1954).

(3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof of sale at a reasonable price.

(4) The Board shall comply with such directions as the State Government may, after perusal of the report of auditor, think fit to issue.

46. *Concurrent and special audit of accounts.*—(1) Notwithstanding anything contained in section 45, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit and remedy or cause to be remedied the defects pointed out by such person, unless they are condoned by the State Government.

CHAPTER V

Miscellaneous.

47. *Reports.*—The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the State Government a report on such matter as may be prescribed.

48. *Other statements and returns.*—The Board shall also submit to the State Government such statistics, particulars, statements, documents or papers in regard to any proposed or existing scheme or relating to any matter or proceedings connected with the working of the Board at such times and in such form and manner as may be prescribed or as the State Government may from time to time direct.

49. *Power of entry.*—The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

(a) to make any inspection, survey, measurement, valuation or inquiry;

(b) to take levels;

(c) to dig or bore into the sub-soil;

(d) to set boundaries and intended lines or work;

(e) to make such levels, boundaries and lines of works and cutting trenches; or

(f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Ordinance or any rules made or scheme sanctioned thereunder;

Provided that,—

(i) no such entry shall be made between sunset and sunrise;
(ii) no dwelling house and no public building which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;

(iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove themselves to some part of the premises where their privacy may not be disturbed; and

(iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

50. *Notice of suit against Board.*—No person shall commence any suit against the Board or against any officer or servant of the Board or any person acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Ordinance, without giving to the Board, officer or servant or person two months' previous notice, in writing of the intended suit and of the cause thereof, not after six months from the date of the act complained of.

51. *Valuation of assets and liabilities of the Board.*—The Board shall at the end of every five years have a valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government;

Provided that it shall be opened to the State Government to direct a valuation to be made at any time it may consider necessary.

52. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes, namely:—

(a) the allowances of members and remuneration and conditions of service of the Chairman;

(b) the rates of subscriptions and contributions and other condition of the provident fund established under section 16;

(c) the manner and form in which contracts shall be entered into under section 25;

(d) the form of the annual budget to be laid before the Board under section 29 and the other particulars to be contained therein;

(e) the manner of publication of housing schemes included in the budget under section 33;

(f) the conditions subject to which the Board may borrow any sum under section 44;

(g) the manner of preparation, maintenance and publication of accounts under section 45;

(h) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 47;

(i) the time at which and the form and manner in which statistics returns, particulars, statements documents and papers shall be submitted under section 48;

(j) the manner in which the Board shall be superseded and reconstituted under section 61; and

(k) any other matter which is or may be prescribed under this Ordinance.

(3) All rules made under this Ordinance shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than 14 days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes and modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

53. *Power to make regulations.*—(1) The Board may from time to time, with the previous sanction of the State Government, make regulations consistent with this Ordinance and with any rules made under this Ordinance—

(a) for the management and use of buildings constructed under any housing scheme;

(b) principles to be followed in allotment of tenements and premises;

(c) the remuneration and conditions of service of the Housing Commissioner and other officers and servants of the Board under sections 15;

(d) for regulating its procedure and the disposal of its business.

(2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Ordinance to make any regulation in respect of matters specified in sub-section (1) or to amend any regulation made under that sub-section, it may call upon the Board to make such regulation or amendment within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

54. *Power to make bye-laws.*—The Board may make bye-laws, not inconsistent with this Ordinance, which may be necessary or expedient for the purpose of carrying out its duties and functions under this Ordinance.

(2) A bye-law made under this section may provide that a contravention thereof shall be an offence.

(3) A bye-law made under this section may provide for any matter covered by a bye-law made under the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) and on publication of such bye-law, any bye-law made under section 90 of the Rajasthan Municipalities Act, 1959 shall cease to have effect as respects the matters covered by the bye-law made under this section, in the area where such bye-law shall apply.

(4) No bye-law made by the Board shall come into force until it has been confirmed by the State Government with or without modification

(5) All bye-laws made under this section shall be published in the Official Gazette.

55. *Penalty for contravention of Bye-laws.*—Whoever contravenes a bye law made under section 54 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

56. *Penalty for obstructing.*—If any person —

(a) obstructs, or molests any person with whom the Board has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Ordinance, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Ordinance,

he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

57. *Authority for prosecution.*—Unless otherwise expressly provided, no Court, shall take cognizance of any offence punishable under this Ordinance except on the complaint of, or upon information received from, the Board or some person authorised by the Board by a general or special order in this behalf.

58. *Members, officers and servants of the Board to be public servants.*—All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

59. *Protection of action taken under this Ordinance.*—No suit prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or purported to be done under this Ordinance :

60. *Government's power to give directions to the Board.*—The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying of the purposes of this Ordinance, and it shall be the duty of the Board to comply with such directions.

61. *Default in performance of duty.*—(1) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Ordinance, it may fix a period for the performance of that duty.

(2) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government notwithstanding anything contained in section 6, to supersede and reconstitute the Board in the prescribed manner.

(3) After the supersession of the Board and until it is reconstituted, the powers and duties and functions of the Board under this Ordinance shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

62. *Dissolution of the Board.*—(1) The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, the Board shall be dissolved.

(2) With effect from the date specified in the notification under subsection (1)—

(a) all properties, funds and dues which are vested in or realizable by the Board shall vest in and be realizable by the State Government.

(b) all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government.

(8) Nothing in this section shall effect the liability of the State Government in respect of loans or debentures guaranteed under sub-section 5 of section 44.

HUKAM SINGH,
Governor of Rajasthan.

The Rajasthan Appropriation (No. 2) Act, 1970

The following English translation of the Act which received the assent of the Governor on 31st day of March, 1970 was published in the *Rajasthan Gazette*, Ext., Part 4 (Ka), dated 31st March 1970.

Rajasthan Act No. 2 of 1970

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the Financial year 1969-70 ending on the 31st day of March 1970.

(Remaining text omitted—

Editor)

The Rajasthan Appropriation (No. 3) Act, 1970

The following English translation of the Act which received the assent of the Governor on 31st day of March, 1970 was published in the *Rajasthan Gazette*, Ext., Part 4 (Ka), dated 31st March 1970.

Rajasthan Act, No. 3 of 1970

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the Services of the financial year 1970-71 ending on the 31st day of March, 1971.

(Remaining text omitted.

Editor)

The Rajasthan Taxation Laws (Amendment) Act, 1970

The following English translation of the Act which received the assent of the Governor on the 15th day of April, 1970, was published in the *Rajasthan Gazette*, Ext., Part 4 (Ka), dated 20th April 1970.

Rajasthan Act No. 5 of 1970

An Act further to amend the—

- (1) Rajasthan Sales Tax Act, 1954.
 - (2) Rajasthan Entertainments and Advertisements Tax Act, 1957,
- and
- (3) Rajasthan Electricity (Duty) Act 1962.

Be it enacted by the Rajasthan State Legislature in the Twenty-first Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title*.—This Act may be called the Rajasthan Laws (Amendment) Act, 1970.

CHAPTER II

Amendments to the Rajasthan Sales Tax Act, 1954

2. *Amendment of section 2 Rajasthan Act 29 of 1954*.—In section 2 of the Rajasthan Sales Tax Act, 1954 (Rajasthan Act 29 of 1954); hereinafter referred to as 'the Sales Tax Act'.

(a) in clause (kk), for the punctuation mark and word "and" occurring at the end of sub-clause (c), the punctuation mark ";" shall be substituted and sub-clause (d) shall be deleted ;

(b) in clause (o), for the expression "transfer of goods on hire-purchase", the expression "transfer of property in goods on hire-purchase" shall be substituted ;

(c) the following proviso shall be added to clause (p), namely :—
“Provided that when a hire-purchase agreement fructifies into a sale, the market-price of the goods on the date on which the goods were transferred under the hire-purchase agreement shall be deemed to be the sale price of the goods so sold”; and

(d) in the first proviso to clause (t) for the expression “poultry or dairy product from fowls or”, the expression “dairy products from”, shall be substituted.

3. *Amendment of section 5A, Rajasthan Act 29 of 1954.*—In section 5A of the Sales Tax Act,—

(a) between the words “or” and “despatches them”, the expression “if such goods are the specified goods, despatches them to a place outside the State, or if such good or goods other than the specified goods,” shall be inserted; and

(b) the existing explanation shall be numbered as I and after explanation I, as so numbered, the following further explanation shall be inserted, namely :—

“*Explanation II.*—For the purpose of this section “the specified goods” means such kinds and forms of cereals and pulses (including gowar), as may be specified in a notification issued by the State Government in this behalf”

4. *Insertion of new section 5CC in Rajasthan Act 29 of 1954.*—After section 5C of the Sales Tax Act, the following new section shall be inserted, namely :—

“*5CC Remission of tax on raw material for specified period.*—(1) Notwithstanding anything contained in section 5 or 5A, but subject to such restriction and conditions as may be prescribed, no tax shall be payable by a registered dealer who commissions any notified industry within the State on or after the first day of March, 1970, but before the 31st day of March, 1974, on sale to or purchase by him of any raw material upto 31st March, 1979 for the manufacture of goods for sale within the State or in the course of inter-State trade or commerce or in the course of export out of the territory of India.

(2) Where any raw material purchased by a registered dealer under sub section (1) is utilised by him for any purpose other than a purpose specified therein, such dealer shall be liable to pay as penalty, such amount, not less than the amount of tax on the sale of such raw material at the full rate applicable thereto under section 5, but not exceeding 1½ times the amount of tax at such full rate, as the Assessing Authority may determine, having regard to the circumstances in which such use was made.

Explanation.—For the purpose of this section ‘notified industry’ means an industry notified by the State Government in this behalf.

5. *Amendment of section 11, Rajasthan Act 29 of 1954.*—In sub-section (4) of section 11 of the Sales Tax Act, for the word “Commissioner”, the expression “Deputy Commissioner (Administration)”, shall be substituted.

6. *Insertion of new section 11 AAA in Rajasthan Act 29 of 1954.*—After section 11 AA of the Sales Tax Act, the following new section shall be inserted, namely :—

“11 AAA. *Transfer to defraud revenue void.*—Where during the pendency of any proceedings under this Act, any dealer creates a charge on or parts with the possession by way of sale, mortgage, exchange, or any other mode or transfer whatsoever, of his immovable property in favour of any other person with the intention to defraud the revenue, such charge or transfer shall be void as against any claim in respect of

any tax or any other sum payable under this Act by the dealer as a result of the completion of the said proceedings :

Provided that such charge or transfer shall not be void if made for valuable consideration and without notice of the pendency of the proceedings under this Act."

7. *Amendment of section 13, Rajasthan Act 29 of 1954*—In section 13 of the Sales Tax Act, in sub section (1), after the expression "or to an order passed under section 22A," the expression "or an order creating liability of a dealer for registration," shall be inserted.

8. *Amendment of section 16, Rajasthan Act 29 of 1954*.—In section 16 of the Sales Tax Act,—

(a) in sub section (1),—

(i) clauses (g), (h) and (m) shall be deleted ;

(ii) in clause (v), the brackets, commas and the letters "(g), (h)" shall be deleted ; and

(iii) clause (ix) shall be deleted.

(b) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) Any person who—

(a) prevents or obstructs inspection, entry, search and seizure by an officer authorised under section 22 ; or

(b) prevents or obstructs inspection of any goods, or vehicle or boat or animal carrying goods by an officer-in-charge of the Check-post or barrier or obstructs an officer empowered under section 22A in the discharge of his functions; or

(c) imports into, or exports from, the State of Rajasthan, any goods showing incorrect or fictitious names or addresses of consignors or consignees or incorrect particulars of goods, in vouchers or way bills or goods receipts or other documents or accompanying the goods while in transit; shall, on conviction before a magistrate, be punishable with simple imprisonment for a term which may extend to six months or with a fine not exceeding Rs. 1,000/- or with both:

Provided that no court shall take cognizance of any offence under this sub section except with the previous sanction of the Commissioner or any other officer specially authorised by the Commissioner in this behalf."

9. *Amendment of Schedule, Rajasthan Act 29 of 1954*.—In the Schedule to the Sales Tax Act,—

(a) against serial number 2, in column 2, in item (a), after the words "fresh fruit", the words "excluding watery coconuts", shall be inserted;

(b) against serial number 4, in column 2, the words "fish" shall be omitted; and

(c) after serial number 18, the following new entry shall be added and be deemed always to have been added, namely:—

"19. Electrical energy."

CHAPTER III

AMENDMENT TO THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS TAX ACT, 1957

10. *Amendment of section 9, Rajasthan Act 24 of 1957*.—In section 9 of the Rajasthan Entertainments and Advertisements Tax Act, 1957 (Rajasthan Act 24 of 1957), hereinafter referred to as the 'Entertainments and Advertisements Tax Act', after the word "tax" the expression "or penalty" shall be added.

11. *Amendment of section 10, Rajasthan Act 24 of 1957*.—In section 10 of the Entertainments and Advertisements Tax Act, sub-section (4) shall be omitted.

12. *Substitution of section 12, Rajasthan Act 24 of 1957.*—For section 12 of the Entertainments and Advertisements Tax Act, the following section shall be substituted, namely:—

“12. *Powers to compound offences.*—(1) The prescribed authority may accept from any person who has committed or is reasonably suspected of having committed an offence punishable under sub-section (2) of section 10, section 10-A or sub-section (4) of section 13, by way of composition of such offence, a sum of money not exceeding Rs. 500/-.

(2) On payment of such sum of money to the prescribed authority, the accused person shall be discharged and no further proceedings shall be taken against such person in respect of such offence.”

CHAPTER IV

AMENDMENTS TO THE RAJASTHAN ELECTRICITY (DUTY) ACT, 1962.

13. *Amendment of section 3, Rajasthan Act 12 of 1962.*—In the proviso to section 3 of the Rajasthan Electricity (Duty) Act, 1962 (Rajasthan Act 12 of 1962),—

(a) clause (1) shall be re-numbered as clause (1A) thereof and clause (1A) as so renumbered, for the figures “50”, the figures “60”, shall be substituted; and

(b) before clause (1A) as so re-numbered, the following clause shall be inserted, namely:—

“(1) In respect of consumption of energy under a temporary connection obtained by a consumer from the supplier for a period not exceeding such number of days, for such purpose, and exceeding such units as may be prescribed, the duty may be computed at a rate not exceeding fifteen paise per unit as may be fixed by the State Government from time to time by a notification in the Official Gazette.”

The Rajasthan Housing Board Act 1970

The following English translation of the Act which received the assent of the Governor on the 18th day of April, 1970, was published in the *Rajasthan Gazette*, Ext., Part 4(Ka), dated 18th April, 1970.

Rajasthan Act No. 4 of 1970

An Act to provide for measures to be taken to deal with and satisfy the need of housing accommodation in the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Twenty-first year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Rajasthan Housing Board Act, 1970.

(2) It extends to the whole of the State of Rajasthan.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “adjoining area” means such area as may be specified to be an adjoining area under section 28 of this Act;

(2) “Board” means the Rajasthan Housing Board constituted under section 4 of this Act;

(3) “Board premises” means any premises belonging to, or vesting in, the Board or taken on lease by the Board or any premises which is entrusted to, or in the possession or control of, the Board for the purposes of this Act;

(4) "building materials" means such commodities or articles as are specified by the State Government by notification to be building materials for the purposes of this Act;

(5) "bye-laws" means bye-laws made under section 54 of this Act;

(6) "Chairman" means the Chairman of the Board;

(7) "Committee" means any committee appointed under section 19 of this Act;

(8) "Government or State Government" means the Government of the State of Rajasthan ;

(9) "Housing Commissioner" means the Housing Commissioner of the Board;

(10) "Housing Scheme" means a housing scheme framed under this Act and includes a scheme for the development of land required for the purposes of the scheme.

(11) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(12) "local authority" includes a Municipal Board established under section 7 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), a Panchayat established under section 3 of the Rajasthan Panchayat Act, 1953 (Act 21 of 1953) or a Panchayat Samiti or a Zila Parishad respectively constituted under section 7 and 42 of the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Act 37 of 1959) ;

Explanation.—The expression "Municipal Board", wherever used in this Act, shall be deemed to include a Municipal Corporation, a Municipal Council or any other Municipal authority;

(13) "master plan" means the master plan prepared and approved for any urban area in accordance with the provisions of Chapter II of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959) ;

(14) "member" means the Chairman and other members of the Board ;

(15) "Notification" means a notification published in the Official Gazette ;

(16) "premises" means any land or building or part of a building and includes,—

(i) the gardens, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(17) "prescribed" means prescribed by rules ;

(18) "programme" means the annual housing programme prepared by the Board under this Act ;

(19) "regulations" means regulations made under section 53 of this Act ;

(20) "rules" means rules made under section 52 of this Act ;

(21) "Secretary" means the Secretary of the Board ;

(22) "Trust" means an Improvement Trust established under section 8 of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959);

(23) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

3. All words and expressions used but not defined in this Act shall have the same meanings as are assigned to them by the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959) or the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) as may be relevant in the context.

CHAPTER II

Establishment of the Board.

4. *Establishment of the Board.*—(1) The State Government may, by notification in the Official Gazette, establish, for purposes of this Act, a Board to be called "The Rajasthan Housing Board", herein-after called the 'Board', with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to enter into contracts and may by its corporate name sue and be sued and do all things and acts necessary for the purposes of this Act.

(3) For the purposes of this Act and the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953), the Board shall be deemed to be a local authority.

Explanation—The purposes of this Act referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the Board under or for the purposes of this Act and the exercise of its rights over and with respect to such lands and buildings for the purposes of this Act.

5. *Constitution of the Board.*—(1) The Board shall consist of a Chairman appointed by the State Government and of the following other members, namely :—

(a) Financial Commissioner, Government of Rajasthan, *ex Officio* member ;

(b) Secretary to Government, Town Planning Department, *ex-Officio* member ;

(c) Chief Town Planner and Architectural Adviser, *ex-Officio* member ;

(d) Housing Commissioner of the Board, *ex-Officio* member ; and

(e) six non-official members, appointed by the Government, of whom one shall belong to the Scheduled Castes or Scheduled Tribes.

(2) The names of the Chairman and other members appointed under sub-section (1) shall be published in the Official Gazette.

(3) A non-official member of the Board may at any time resign his office by submitting his resignation to the State Government :

Provided that the resignation shall not take effect until it is accepted by the Government.

(4) The State Government may, by notification in the Official Gazette, remove from office the Chairman or any other member who—

(a) is, or has become, subject to any of the disqualifications mentioned in section 7, or

(b) in the opinion of the State Government, has been guilty of any misconduct or neglect or has so flagrantly abused his position as to render his continuance as member detrimental to the interest thereof or of the general public :

Provided that no person shall be removed from office unless he has been given an opportunity to show cause against his removal.

6. *Term of office of the Chairman and non official members.*—(1) The Chairman and non-official members of the Board shall hold office for a period of three years from the date of their appointment as Chairman, or as the case may be, other members :

Provided that the term of office of the Chairman and the non-official members may be extended by the Government for a period not exceeding two years.

(2) The Chairman and the non official members shall on expiry of the term of their office be eligible for re-appointment.

7. *Disqualifications for appointment on the Board.*—(1) A person shall be disqualified for being appointed or for continuing as the Chairman or member of the Board, if he—

(a) has been convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside;

(b) is an undischarged insolvent;

(c) is of unsound mind;

(d) is an officer or servant under the Board;

(e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of the Board; or is a director or a secretary manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board.

(2) A person shall not, however, be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other salaried officer, having a share or interest in—

(i) any sale, purchase, lease or exchange of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted ;

(iv) the occasional sale to the Board up to a value not exceeding two thousand rupees in any one year, of any article in which he or the incorporated company regularly trades.

(3) A person shall not also be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment with by or on behalf of, the Board, by reason only of his being a share-holder of such company :

Provided that such person discloses to the Government the nature and extent of the shares held by him.

Explanation.—For the purposes of clause (d) of sub-section (1), the Chairman or the Housing Commissioner shall not be deemed to be an officer or servant under the Board.

8. *Remuneration to the Chairman and member.*—(1) The Chairman shall be paid such remuneration and allowances as may, from time to time, be fixed by the Government.

(2) Every member shall receive such allowances as may be fixed by the Government.

(3) The allowances to the members, and the remuneration to the Chairman shall be paid from the funds of the Board.

9. *Leave of absence for the Chairman and appointment of an acting Chairman.*—(1) The Government may, from time to time, grant to the Chairman such leave as may be admissible under the rules.

(2) Whenever there is a temporary vacancy in the office of the Chairman, the Government may appoint a person to act as Chairman during the period of such vacancy and shall pay to such person such remuneration and allowances as may be fixed by them. The person

so appointed shall be deemed for all purposes of this Act to be the Chairman.

10. *Vacancy of a member.*—If a member :

(a) becomes subject to any of the disqualifications mentioned in section 7,

(b) tenders his resignation in writing to the Government and the same is accepted, or

(c) is absent without the permission of the Board from three consecutive meetings of the Board
he shall cease to be a member, from such date as the Government may declare.

11. *Vacancy to be filled as early as practicable.*—Any vacancy of the Chairman or a member of the Board shall be filled in as early as practicable and the term of such appointment shall be for the remainder of the term of the Chairman or the member as the case may be :

Provided that during any such vacancy, the continuing members may act, as if no vacancy had occurred.

12. *Proceedings presumed to be good and valid*—No disqualification of or defect in the appointment of any person acting as Chairman or a member of the Board shall be deemed to vitiate any act or proceeding of the Board, if such act or proceeding is otherwise in accordance with the provisions of this Act.

13. *Temporary absence of members.*—If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation made thereunder.

14. *Appointment of officers and servants and creation of posts.*—(1) The Board shall have a Housing Commissioner, an Architect, a Secretary, a Chief Accounts Officer and such other officers and servants as the Board may consider necessary for the efficient performance of its functions.

(2) The appointments of the Housing Commissioner, Secretary and Chief Accounts Officer shall be made by the Board, subject to the previous approval of the State Government and the appointments of other officers and servants of the Board shall be made by the Board;

Provided that the Board shall not appoint any officer in the scale of pay the maximum of which exceeds one thousand and two hundred rupees a month, without obtaining the previous sanction of the State Government

(3) The Board shall have power to create any post on its establishment:

Provided that no new post, the scale of pay of which exceeds one thousand and two hundred rupees per month shall be created by the Board without the previous sanction of the State Government.

15. *Conditions of service of officers and servants.*—The remuneration and other conditions of service of the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board shall be such as may be determined by regulations.

16. *Provident Fund.*—(1) The State Government shall establish a provident fund for the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board and such provident fund shall be deemed to be a Government Provident Fund for the purposes of the Provident Funds Act, 1925 (Central Act XIX of 1925), notwithstanding anything contained in section 8 thereof and such fund may be

administered by such officers of the State Government, or of the Board, as the State Government may specify in that behalf.

(2) The Board shall, in respect of each of its employees who is a subscriber to the said fund, pay in to the said fund such portion of the contribution in such manner as the State Government may, from time to time, determine.

17. *Preparation and maintenance of schedule of establishment*—Before the first day of May of every year, the Board shall prepare and maintain a schedule of establishment as on the first day of April of that year showing—

(i) the number, designations and grades and scales of pay of the officers and servants (other than the employees who are paid by the day or whose pay is charged to any temporary work), whom it considers necessary and proper to employ for the purposes of this Act ;

(ii) the amount and nature of the salary, fees and allowances to be paid by the Board to each such officer or servant; and

(iii) the amount to be paid by the Board towards leave salary, pension, provident fund or any other purpose in respect of each officer or servant.

18. *General disqualification of all officers and servants*.—No person who has directly or indirectly by himself or his partner or agent any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

19. *Appointment of Committees*.—(1) Subject to any rules made in this behalf, the Board may from time to time appoint one or more Committees for the purposes of securing the efficient discharge of its functions, and in particular for the purpose of securing that the said functions are discharged with due regard to the circumstances and requirements of particular local areas,

(2) Any Committee appointed under sub-section (1) shall meet to discharge the functions assigned to it in such manner as may be directed by the Board.

CONDUCT OF BUSINESS

20. *Meetings of the Board*.—The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely :—

(a) an ordinary meeting shall be held once in every two months ;

(b) the Chairman may, whenever he thinks fit, call special meetings;

(c) every meeting shall be presided over by the Chairman and in his absence, by any member chosen by the meeting to preside for the occasion;

(d) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote; and

(e) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

21. *Temporary Association of persons with Board for particular purpose*.—(1) The Board may associate with itself, any person whose assistance or advice it may desire for carrying into effect any of the provisions of this Act :

Provided that the number of person so associated shall not be more than three.

(2) A person associated with the Board under sub-section (1) for

any purpose shall have the right to take part in the deliberations of the Board relevant to that purpose, but shall not have the right to vote

(3) The State Government may, by order, depute its representatives to attend any meeting of the Board and to take part in the deliberations of the Board, on such items or subjects as the State Government may specify, but such representative shall not have the right to vote.

22. *Power to make contracts.*—The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

23. *Execution of contract.*—(1) Every contract shall be made on behalf of the Board by the Chairman.

Provided that :—

(a) no contract involving an expenditure of rupees ten lacs and more shall be made without the previous sanction of the State Government; and

(b) no contract involving an expenditure of five thousand rupees and more shall, subject to clause (a) above, be made without the previous sanction of the Board.

(2) Sub-section (1) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate.

24. *Delegation of Board's power to sanction contract.*—Subject to any rule which the State Government may make in this behalf, the Board may by order direct that the power conferred on it under section 23 to sanction a contract shall be exercised by the Housing Commissioner or any other officer specified by it in the order.

25. *Further provision as to execution of contracts.*—(1) Every contract by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(2) A contract not executed as provided in this section and the rules made, thereunder shall not be binding on the Board.

CHAPTER III

Housing Schemes.

26. *Power and duties of the Board to undertake Housing Schemes.*—(1) Subject to the provisions of this Act and subject to the control of the State Government, the Board may, from time to time incur expenditure and undertake works in any area in which this Act is in force for the framing and execution of such housing Schemes as it may consider necessary.

(2) The Housing Scheme may be of one of the following types, or combination of any two or more of such types or of any special features thereof, namely :—

(a) a house accommodation scheme with special emphasis for the scheduled castes, scheduled tribes and other economically backward classes;

(b) a rebuilding scheme;

(c) a rehousing or rehabilitation scheme;

(d) a city or town or village expansion scheme;

(e) a commercial or commercial cum-residential scheme;

(f) an Urban Renewal Scheme including of Slum Clearance or Slum Improvement Schemes;

(g) a Subsidised Industrial Housing Scheme; or

(h) any other scheme with the approval of the State Government.

(3) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any housing scheme whether provided for by this Act or not and the Board shall thereupon undertake the framing and execution of such scheme as if it had been provided for by this Act.

(4) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the State Government, take over for execution any housing scheme on behalf of a local authority or co-operative society or on behalf of an employer when the houses are to be built mainly for the residence of his employees, and the Board shall execute such scheme as if it had been provided for by this Act.

72. *Ban on new constructions or additions or alterations in the proposed scheme area.*—The Board shall, as soon as it frames and decides to execute any scheme either at its own instance or at the instance of the State Government or a local authority, the State Government may, at the request of the Board, publish a notification in the Official Gazette giving particulars and specifications of the scheme and declaring that the Board has decided to frame and execute the scheme together with a notice inviting every person interested to see the detailed plans specifications of the scheme in the office of the Board on any working day within one month of the publication of the notice, and upon such publication of such notification together with the notice as aforesaid, no person shall make any new construction in the area covered by the scheme or make any additions or alterations in any existing structure in the scheme area without the written permission of the Board.

28. *Matters to be provided for by housing schemes*—Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely:—

(a) the acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;

(b) the laying or re-laying out of any land comprised in the scheme;

(c) the distribution or redistribution of site belonging to owners of property comprised in the scheme;

(d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;

(e) the demolition of obstructive buildings or portions of Buildings;

(f) the construction and reconstruction of buildings;

(g) the sale, letting or exchange of any property comprised in the scheme;

(h) the construction and alteration of streets and back lanes;

(i) the formation of a reconstituted plot by the alterations of the boundaries of an original plot;

(j) the allotment of a plot to any owner dispossessed of his land in furtherance of the housing scheme;

(k) the transfer of ownership of a plot from one person to another;

(l) the reconstitution of two or more plots belonging to different person into one plot without changing their boundaries and making them joint property with the consent of the owners of the original plots;

(m) the provision of draining, water-supply and lighting of the area included in the scheme;

(n) the provision of parks, playing-fields and open spaces for the benefit of any area comprised in the scheme or any adjoining areas, and the enlargement of existing parks, playing-fields open spaces and approaches;

(o) the reclamation or reservation of lands for markets, gardens playing-fields, schools, dispensaries, hospitals and other amenities in the scheme;

(p) the letting out, management and use, of the Board premises;

(q) the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation of, and prevention of any injury or contamination to reverse or other sources and means of water-supply;

(r) the provision of accommodation for any class of inhabitants;

(s) the advance of money for the purpose of the scheme;

(t) the provision of facilities for communication and transport;

(u) the collection of such information and statistics as may be necessary for the purposes of this Act ;

(v) any other matter for which, in the opinion of the State Government, it is expedient to make provision with a view to provide housing accommodation and to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.

Explanation.—For the purposes of this section, the State Government may, on the recommendation of the Board, by notification in the official Gazette specify such area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

29. *Submission of budget to Board.*—(1) The Chairman shall, at a special meeting to be held in the month of January in each year, lay before the Board, a budget of the Board, for the next year.

(2) Every such budget shall be prepared in such form as may be prescribed and shall make provision for—

(i) the housing schemes which the Board proposes to execute whether in part or whole during the next year.

(ii) the due fulfilment of all the liabilities of the Board, and

(iii) the efficient administration of this Act and shall contain a statement showing the estimated receipts, and expenditure on capital and revenue accounts for the next year, and such other particulars as may be prescribed.

30. *Board's sanction to budget.*—The Board shall consider the budget laid before it under the last preceding section and sanction it with or without modifications.

31. *Submission of sanctioned budget to State Government for approval.*—

(1) Every Budget sanctioned by the Board under the last preceding section shall be submitted to the State Government for approval. within two months of the receipt of the budget, the State Government may approve the budget as sanctioned by the Board or return it to the Board for making such modifications therein as the State Government may deem fit.

(2) Where a budget is returned to the Board by the State Government for making any modifications, therein the Board shall forthwith make such modifications and submit the budget as so modified to the State Government, which may then approve it.

32. *Supplementary budget.*—The Chairman may, at any time during the year for which a budget has been approved by the State Government, lay before the Board a supplementary budget and the provisions of sections 28, 29, 30 and 31 shall apply to such Supplementary budget.

33. *Publication and execution of housing schemes.*—After the budget is approved by the State Government, the Board shall cause the housing schemes, in respect of which provision is made in the budget, to be published in the Official Gazette in such manner as may be prescribed and proceed to execute the scheme.

34. *Variation of housing schemes.*—The Board may at any time vary any housing schemes or any part thereof included in the budget approved by the State Government :

Provided that no such variation shall be made if it involves an expenditure in excess of 10 per cent of the amount as included in the budget approved by the State Government for the execution of any housing scheme or if it affects the scope or purpose of such scheme.

5. *Transfer to the Board for purposes of housing scheme of land vested in a local authority.*—(1) Whenever any street, square or other land, or any part thereof, situated in any area of a local authority and vested in a local authority is required for the purposes of any housing scheme included in the budget approved by the State Government, the Board shall give notice to the local authority concerned to transfer to it the required street, square or other land, or any part thereof as the case may be.

(2) Where the local authority concurs, such street, square or other land, or part thereof, shall vest in the Board.

(3) Where there is any dispute, the matter shall be referred to the State Government. The State Government shall, after hearing the local authority concerned, decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square, land, or part thereof, shall vest in the Board, it shall vest accordingly.

(4) The vesting of street, square, land or a part thereof under sub-section (2) or (3) of the section shall be notified in the Official Gazette.

(5) Nothing in this section shall affect the duties and obligations of the local authority in respect of such street, square or land and the local authority concerned shall be liable to render all the municipal services usually provided by it in the land vested in the Board under this section, notwithstanding such vesting.

36. *Power of Board to turn or close public street vested in it*—(1) The Board may turn, divert, discontinue the public use of or permanently close, any public street or a part thereof vested in it.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street or any part thereof, vested in it, it shall, as far as practicable, provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the street or part thereof.

(3) When any public street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required.

37. *Vesting in local authority of streets laid out or altered and open space provided by the Board under housing scheme.*—(1) Whenever the State Government is satisfied—

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained as required for any housing schemes approved by the State Government under section 31.

(b) that such lamps lamp-posts and other apparatus as the local authority concerned considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and

(c) that water and other sanitary conveniences have been duly provided in such street, it may declare the street to be a public street and the street shall thereupon vest in the local authority concerned and shall thenceforth be maintained, kept in repair, lighted and cleaned by the local authority concerned.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may at its option by resolution transfer such open space to the local authority concerned on completion of the scheme and thereupon such open space shall vest in, and be maintained at the expense of the local authority :

Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay-out such space and provide foot paths therein, and if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and local authorities in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government whose decision thereon shall be final.

38. *Other duties of the Board.*—(1) It shall be the duty of the Board to take necessary measures to maintain, allot, lease and otherwise use the Board premises and to collect rents, compensation and damages in respect thereof.

(2) The Board may,—

(i) provide technical advice to the State Government and scrutinize projects under housing schemes in the area to which this Act extends when required by the State Government to do so;

(ii) undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions ;

(iii) undertake comprehensive surveys of problems of housing; and

(iv) do all things for—

(a) unification, simplification and standardisation of building materials ;

(b) encouraging pre-fabrication and mass production of house components ;

(c) organising or undertaking the production of building materials for residential or non-residential houses ; and

(d) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

39 *Power to exempt schemes from provisions of sections of section 29 to 34.*—The State Government may by general or special order published in the Official Gazette, exempt any housing scheme undertaken by the Board from all or any of the provisions of sections 29 to 34 (both inclusive) subject to such conditions, if any, as it may impose or may direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

CHAPTER IV

Finance, Accounts and Audit.

40. *Board's Fund.*—(1) The Board shall have its own fund.

(2) The Board may accept grants, subventions, donations and

gifts from the Central or State Government or a local authority or any individual or body, whether incorporated or not for all or any of the purposes of this Act.

(3) The State Government may every year make a grant to the Board of a sum equivalent to the administrative expenses of the Board;

Provided that the amount of such grant may be reduced or discontinued to the extent the financial position of the Board warrants.

(4) All moneys received by or on behalf of the Board by virtue of this Ordinance, all proceeds of land or any other kind of property sold by the Board, all rents and all interest, profits and other moneys accruing to the Board shall constitute the fund of the Board.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the Reserve Bank of India or in any nationalised Bank or other scheduled Bank, invested in such securities as may be approved by the State Government.

(6) Such account shall be operated upon by such officers as may be authorised by the Board.

41. *Application of the fund.*—All property, fund and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

42. *Expenditure in case of urgency.*—(1) Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year.—

(a) recurring expenditure not exceeding twenty-five thousand rupees, and

(b) non-recurring expenditure not exceeding one lac of rupees.

(2) Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report there of indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government.

43. *Subventions and loans to the Board.*—(1) The State Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

(2) The State Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the State Government may determine.

44. *Power of Board to Borrow*—(1) The Board may, from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

(2) The rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of debentures and to make arrangements with bankers or the Life Insurance Corporation of India.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government may, from time to time, determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by

the State Government.

45. *Accounts and audit.*—(1) The Board shall cause to be maintained proper books of accounts and such other books as the rules may require and shall prepare in accordance with rules an annual statement of accounts.

(2) The Housing Board accounts shall, from time to time, once in every year be audited by the Examiner of Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act 28 of 1954).

(3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.

(4) The Board shall comply with such directions as the State Government may, after perusal of the report of auditor, think fit to issue.

46. *Concurrent and special audit of accounts.*—(1) Notwithstanding anything contained in section 45, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit and remedy or cause to be remedied the defects pointed out by such person, unless they are condoned by the State Government.

CHAPTER V Miscellaneous.

47. *Reports.*—The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the State Government a report on such matters as may be prescribed.

48. *Other statements and returns.*—The Board shall also submit to the State Government such statistics, returns, particulars, statements, documents or papers in regard to any proposed or existing scheme or relating to any matter or proceedings connected with the working of the Board at such times and in such form and manner as may be prescribed or as the State Government may from time to time direct.

49. *Power of entry.*—The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

(a) to make any inspection, survey, measurement, valuation or inquiry;

(b) to take levels;

(c) to dig or bore into the sub-soil;

(d) to set boundaries and intended lines or work;

(e) to make such levels, boundaries and lines of works and cutting trenches; or

(f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned thereunder;

Provided that,—

(i) no such entry shall be made between sunset and sunrise;
 (ii) no dwelling house and no public building which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;

(iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove themselves to some part of the premises where their privacy may not be disturbed; and

(iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

50. *Notice of suit against Board.*—No person shall commence any suit against the Board or against any officer or servant of the Board or any person acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Ordinance, without giving to the Board, officer or servant or person two months' previous notice, in writing of the intended suit and of the cause thereof, not later than six months from the date of the act complained of.

51. *Valuation of assets and liabilities of the Board.*—The Board shall at the end of every five years have a valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government:

Provided that it shall be opened to the State Government to direct a valuation to be made at any time it may consider necessary.

52. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes, namely:—

(a) the allowances of members and remuneration and conditions of service of the Chairman;

(b) the rates of subscriptions and contributions and other conditions of the provident fund established under section 16;

(c) the manner and form in which contracts shall be entered into under section 25;

(d) the form of the annual budget to be laid before the Board under section 29 and the other particulars to be contained therein;

(e) the manner of publication of housing schemes included in the budget under section 38;

(f) the conditions subject to which the Board may borrow any sum under section 44;

(g) the manner of preparation, maintenance and publication of accounts under section 45;

(h) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 47;

(i) the time at which and the form and manner in which statistics, returns, particulars, statements, documents and papers shall be submitted under section 48;

(j) the manner in which the Board shall be superseded and reconstituted under section 61; and

(k) any other matter which is or may be prescribed under this Act.

(3) All rules made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than 14 days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes and modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

53. *Power to make regulations.*—(1) The Board may from time to time, with the previous sanction of the State Government, make regulations consistent with this Act and with any rules made under this Act—

(a) for the management and use of buildings constructed under any housing scheme;

(b) principles to be followed in allotment of tenements and premises;

(c) the remuneration and conditions of service of the Housing Commissioner and other officers and servants of the Board under sections 15;

(d) for regulating its procedure and the disposal of its business.

(2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any regulation in respect of matters specified in sub-section (1) or to amend any regulation made under that sub section, it may call upon the Board to make such regulation or amendment within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

54. *Power to make bye-laws.*—The Board may make bye-laws, not inconsistent with this Act which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act.

(2) A bye-law made under this section may provide that a contravention thereof shall be an offence.

(3) A bye law made under this section may provide for any matter covered by a bye-law made under the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) and on publication of such bye-law, any bye-law made under section 90 of the Rajasthan Municipalities Act, 1959 shall cease to have effect as respect the matters covered by the bye-law made under this section, in the area where such bye-law shall apply.

(4) No bye-law made by the Board shall come into force until it has been confirmed by the State Government with or without modification

(5) All bye-laws made under this section shall be published in the Official Gazette.

55. *Penalty for contravention of Bye-laws.*—Whoever contravenes a bye-law made under section 54 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

56. Penalty for obstructing.—If any person—

(a) obstructs, or molests any person with whom the Board has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act,

he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

57. Authority for prosecution.—Unless otherwise expressly provided, no Court, shall take cognizance of any offence punishable under this Act except on the complaint of, or upon information received from, the Board or some person authorised by the Board by a general or special order in this behalf.

58. Members officers and servants of the Board to be public servants.—All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860)

59. Protection of action taken under this Act.—No suit prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or purported to be done under this Act :

60. Government's power to give directions to the Board.—The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying of the purposes of this Act, and it shall be the duty of the Board to comply with such directions.

61. Default in performance of duty.—(1) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act it may fix a period for the performance of that duty.

(2) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government notwithstanding anything contained in section 6, to supersede and reconstitute the Board in the prescribed manner.

(3) After the supersession of the Board and until it is reconstituted, the powers and duties and functions of the Board under this Act shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

62. Dissolution of the Board.—(1) The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, the Board shall be dissolved.

(2) With effect from the date specified in the notification under subsection (1)—

(a) all properties, funds and dues which are vested in or realizable by the Board shall vest in and be realizable by the State Government.

(b) all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government.

(3) Nothing in this section shall effect the liability of the State Government in respect of loans or debentures guaranteed under subsection 5 of section 44.

63. *Repeal and savings.*—(1) The Rajasthan Housing Board Ordinance, 1970 (Rajasthan Ordinance 3 of 1970) is hereby repealed

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken in the exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act.

Published in the *Rajasthan Gazette*, Ext., Part IV(Ga) dated
January 19, 1970/Pausa 29, 1891.

REVENUE (B) DEPARTMENT

G.S.R. 86—Jaipur, January 17, 1970.—In exercise of the powers conferred by section 257 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), the State Government hereby makes the following rules further to amend the Rajasthan Tenancy (Government) Rules, 1955, namely :—

1. *Short title.*—These rules may be called the **Rajasthan Tenancy Government (Amendment) Rules, 1970.**

2. In the Rajasthan Tenancy (Government) Rules, 1955 (hereinafter referred to as the said rules)—

(a) In rule 27 of Rajasthan Tenancy (Government) Rules, 1955 for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that where there has been continuous famine for three years in succession in any Village and the damage caused was more than 8 annas in all the crops, the Collector shall give automatic remission of rent for the first year”;

(b) Sub-rule (e) of rule 30 of the said rules shall be deleted;

(c) In rule 40 of the said rules for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that no relief khatauni shall be prepared in cases where automatic remission is to be given under rule 27” and

(d) In the said rules after rule 41 the following new rule may be added :—

“41. A. Rent suspended due to failure of crop shall not be realised for more than two years at a time in a good year following the period of calamity including the Land Revenue for the good year.”

Published in the *Rajasthan Gazette*, Ext., Part 4 (Ga), dated
March 28, 1970/Chaitra 7, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT

G.S.R. 111.—Jaipur, March 28, 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act No. 10 of 1955), read with the Notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July, 1967, as subsequently amended, and with the prior concurrence of the Central Government, the State Government hereby makes the following order to amend the Rajasthan Hydrogenated Vegetable Oils Dealers Licensing Order, 1968, namely :—

1. *Short title.*—This Order may be called the **Rajasthan Hydrogenated Vegetable Oils Dealers Licensing (Second Amendment) Order, 1970.**

2. *Amendment of clause 5.*—In clause 5 of the Rajasthan Hydrogenated Vegetable Oils Dealers Licensing Order, 1968, hereinafter referred to as the principal order, after sub-clause (2) the following new sub-clause (3) shall be inserted :—

“(3) No dealer shall simultaneously hold wholesale and retail licences within the jurisdiction of the same licensing Authority”.

3. *Amendment of Condition 13 of Form ‘B’.*—In condition 13 of Form ‘B’ of the principal order, the words “and or the Licensing Authority” appearing after the word “Collector” shall be deleted.

4. *Amendment of Condition 10 of Form ‘C’.*—In condition 10 of Form ‘C’ of the principal order, after the words ‘Licensing Authority’ the words “or any other officer authorised under clause 16 of the principal order” shall be inserted.

5. *Amendment of Condition 11 of Form ‘C’.*—In condition 11 of Form ‘C’ of the principal order for the words “Licensing Authority”, the word “Collector” shall be substituted.

FOOD AND CIVIL SUPPLIES DEPARTMENT

G.S.R. 112.—(Jaipur March 28, 1970)—In exercise of the powers conferred by sub-clause (1) of clause 16 of the **Rajasthan Hydrogenated Vegetable Oils Dealers Licensing Order, 1968**, the State Government hereby authorises the Quality Inspectors/Enforcement Officers/Enforcement Inspectors of the Food and Civil Supplies Department posted at Jaipur and placed at the disposal of the Food Commissioner, to exercise all powers of entry, search, seizure etc. in the State of Rajasthan as a whole.

Published in the *Rajasthan Gazette*, Ext., Part 4(Ga), dated February 6, 1970/Magha 16, 1891.

SOCIAL WELFARE DEPARTMENT

G.S.R. 111.—Jaipur, January 22, 1970.—The Government of Rajasthan is hereby pleased to make the following rules for providing legal assistance to persons belonging to Scheduled Castes and Scheduled Tribes, namely :—

RULES

1. *Title.*—These rules shall be called the **Legal Assistance (Scheduled Castes and Scheduled Tribes) Rules, 1969** and will come into force from the date of their first publication in the Rajasthan Rajpatri.

2. *Definition.*—(i) “Government” shall mean the Government of Rajasthan.

(ii) “Director” shall mean the Director of Social Welfare Department Rajasthan.

(iii) “District Probation and Social Welfare Officer” shall mean an officer of Social Welfare Department appointed for the welfare of Scheduled Castes and Scheduled Tribes and for probation work under Probation of Offenders Act, 1958.

(iv) “Pleader” shall mean a pleader engaged under Rules 7 and 17 of the Rules.

(v) “Rules” shall mean Rules for Legal Assistance to the persons belonging to Scheduled Castes and Scheduled Tribes.

3. *Eligibility for legal assistance.*—The following are eligible for Legal Assistance :—

(a) A person belonging to Scheduled Caste as specified in the First Schedule of these rules;

(b) A person belonging to Scheduled Tribes as specified in the Second Schedule of these rules :—

Provided that monthly gross income of any such person does not exceed Rs. 200/- p.m.

4. *Cases in which legal assistance may be provided.*—Legal assistance at the expense of the Government may be provided in the following cases :—

(a) Civil or revenue cases including execution proceedings in which the applicant is a party against any one not included in Schedule I and Schedule II.

(b) Criminal cases, in which the applicant is a complainant against any one not included in Schedule I and II.

(c) Criminal cases, in which the applicant is an accused against a person other than the State not included in Schedule I and II.

(d) Other proceedings before any Court or public officer or arbitrator in which the applicant is a party and a pleader is permitted.

5. *Application for legal assistance.*—An applicant for legal assistance under these rules, shall make an application in form given in the Schedule III attached to these rules to the Distt. Probation and Social Welfare Officer of the District.

6. (i) *Disposal of application.*—The Distt. Probation and Social Welfare Officer, on receipt of an application after a summary enquiry to be finished within 16 days, shall pass orders on the application. The application shall not be granted unless he satisfies himself about the following :—

(a) The eligibility of the applicant under rule 3;

(b) Whether the case is covered by rule 4;

(c) Whether the case of applicant to be put before the Court in prima facie a just one;

(d) Whether the applicant's financial position is such that he deserves assistance from the State funds; and

(e) Whether the facts mentioned in the application are correct.

(ii) If the application for grant of legal assistance is not granted, the copy of the order of rejection shall be furnished to the applicant within 15 days from the date of such order.

(iii) If an application is rejected under Rule (6) (i) the applicant may appeal against such rejection to the Collector who shall pass such order as he thinks fit under the rules. Such an application shall be submitted within one month from the date of communication of the order of the Distt. Probation and Social Welfare Officer.

(iv) The applicant shall be entitled to get, on demand a copy of the order of rejection under rule (6) (i) free of cost from the Distt. Probation and Social Welfare Officer.

7. *Appointment of Pleader.*—If the application is granted, the Distt. Probation and Social Welfare Officer shall send a copy of his order (in the performa as in Schedule V attached to these rules) to the pleader to be appointed by him with the approval of the Collector and District Magistrate concerned at the earliest for such particular case. Where a pleader is appointed by Government under Rule 10 the Distt. Probation and Social Welfare Officer will send the copy of the order to such pleader. The applicant shall also be given a copy of an order free of cost.

8. *Engagements of Pleaders.*—(a) Pleaders, for appearing on behalf of a person receiving assistance under these rules shall ordinarily be members of Bar with a standing of atleast 5 years at the Bar.

(b) A list of such pleaders practising at the Tehsil, Sub-division and District headquarters should be maintained by the District Probation & Social Welfare Officer.

(c) A pleader engaged under these rules separately for each case shall submit monthly information showing progress of the cases to the Distt Probation & Social Welfare Officer. Services of a pleader will be discontinued if his work is not found satisfactory or if he is found guilty of professional misconduct.

9. *Fees of Pleaders*—The fee, to be paid by the Government to the pleader to whom a case is allotted under these rules, shall be the legal taxable fee in civil cases and fees, in cases other than civil proceedings, shall be as fixed by the Collector and District Magistrate subject to the maximum of Rs. 100/- per case. The Collector may in civil cases as well as in criminal cases, fix a higher fee than legal taxable fee for special reasons to be recorded in writing with the approval of the Government.

10. *Travelling expenses.*—A pleader, who has to proceed to a place other than his place of practice for the conduct of a case under these rules, shall be entitled to T. A. & D. A., at the rates as are admissible to a Government servant drawing pay upto Rs. 1000/- p. m.

11. *Incidental Expenses.*—Expenses, incurred by or on behalf of the applicant to whom the State has agreed to give legal assistance under these rules, shall be payable by the State Government, if they are exclusively incurred in connection with the litigation in question on account of Court fees, plaint vakalatnama, applications, memorandum of appeal and similar papers to be filed in courts.

12. *Conduct of appeals.*—(a) The pleader, engaged to conduct the case shall be expected to appear, if necessary, in the court of first appeal without additional remuneration. But nothing in this rule shall be regarded as requiring him to appear before the High Court.

(b) No legal assistance for appeals shall be given unless Law Department agrees to the appeal being preferred or considers a pending appeal worth contesting.

(13). *Agreement to be executed by persons assisted.*—(1) A person, whose application for legal assistance has been granted, shall be required by the Distt. Probation and Social Welfare Officer to execute an agreement in form given in Schedule VI to these rules, to the effect that.—

(a). If he receives any sum whether, as costs, damages or otherwise or any property under the decree or orders of the Court in the proceedings in respect of which he is to receive assistance as aforesaid, he shall repay to the Government the expenses incurred by the Government by way of assistance including engagement of pleader and other incidental expenses incurred under rule 11 not exceeding the sum or value of the property received under the decree or order.

(b). If the grant of assistance is cancelled under rule 14 he shall repay the whole of the expenses incurred by the Government.

(c) If the person receiving legal assistance refuses or fails to repay the money mentioned in sub-para (a) and (b) above, it shall be recoverable under the Rajasthan Public Demands Recovery Act, 1952.

(ii) The pleader appointed to appear for such persons should pay the stamps duty leviable in respect of the agreement and include the amount thereof in the bill of fees and other expenses submitted by him under rule 15.

14. *Cancellation of assistance.*—(a) The Distt. Probation and Social Welfare officer may cancel the grant of assistance under these rules to any person, if after giving such person an opportunity of hearing he is satisfied that such person.—

(i) has within two months before he asked for legal assistance, disposed of any property fraudulantly or in order to be able to seek assistance, or

(ii) has entered into an agreement with reference to the subject matter of suit under which any other person has obtained an interest in such subject matter, or

(iii) does not take any active interest in the proceedings or does not prosecute them with due diligence, or

(iv) has made a compromise on the subject matter out of court without consulting the Social Welfare Department.

(b) A cancellation of assistance under sub-rule (a) shall forthwith be communicated to the pleader concerned and no further expenses to be incurred by him (whether as T.A. or as money paid for the court fees) or by the party shall be paid by the State Government provided that no order under this section shall be made without notice to the party concerned.

NOTE :—(1) The fees paid by the State to the pleader will be recovered from the party under rule 13.

(2) A copy of every order of cancellation under this rule should be sent to the Collector.

(c) If the grant of assistance is cancelled under Rule 14 (a) the applicant may appeal against such cancellation to the Collector who may pass such orders as he thinks fit under the rules. Such an application shall be submitted within one month from the date of communication of the order of the District Probation and Social Welfare Officer.

15. *Payment of Bills.*—(a) A pleader engaged under rule 7 shall send his bill to the Distt. Probation and Social Welfare Officer showing separately the following :—

(i) Date of decision and result of the case.

(ii) Fees settled under rule 9 (in case of legal taxable fees, a memo of costs to be obtained from the Court should be attached. A copy of the order of the Distt. Probation and Social Welfare Officer under rule 7 should be attached in all cases).

(iii) Travelling expenses claimed under rule 10, a memo by the pleader about the dates of journeys and days of halt and the details of the expenses duly countersigned by the authorities who ask him to undertake the journey will be sufficient. It will not be necessary to prepare T.A. bill in the form prescribed for Government servants

(iv) Incidental expenses claimed under rule 11 a memo signed by the pleader specify the kind of document filed and the fee paid thereon will be sufficient.

(v) In special cases the Collector may sanction payment of fees in advance that should not be more than 40% of the total fee to the pleader on the recommendation of the Distt. Probation and Social Welfare Officer.

(b) Separate bill will be prepared by the pleader for each case and presented to the Distt. Probation and Social Welfare Officer who will draw the money from the Treasury concerned from time to time for making payment of such bills which are to be appropriated under Heads of grants allotted for this purpose.

(c) The detailed accounts of expenditure incurred under these rules will be accounted for by the Drawing and Disbursing Officer concerned.

(d) The Drawing and Disbursing Officer shall send to the Director of Social Welfare Department on 1st of July, October, June and April of each year a statement showing separately for :—

- (a) Civil cases
- (b) Revenue case
- (c) Criminal cases and
- (d) Miscellaneous cases

in which legal assistance is rendered, the amount of assistance rendered the brief particulars of the case and the result of the litigation.

16. *Pleaders appointed on monthly remuneration.*—Government may appoint pleaders to act and plead under these rules on a monthly remuneration for a particular area or for a particular court. In such cases the Distt. Probation and Social Welfare Officer should send a copy of his order under rule 7 to such pleaders. In respect of matters other than monthly remuneration, such pleaders will be governed by these rules and shall be entitled to T. A. & incidental expenditure etc, in accordance with rule 10 and 12 respectively.

17. *Legal assistance in pending cases.*—Legal assistance admissible under these rules may be granted even in cases pending during the current financial year in respect of which the applicant satisfies the Collector through the Distt. Probation and Social Welfare Officer or otherwise that he has incurred expenditure in connection therewith and has had no time for or was unable for other valid reasons from making an application before the commencement of the case.

18. These rules will supersede the rules issued vide Notification No. F-10 (7) (35) PL SW/58, dated 19th December, 1956 for providing Legal Assistance to persons belonging to Scheduled Castes and Scheduled Tribes.

19. Cases of Legal Assistance sanctioned under these rules will continue to be governed by them until their final disposal.

SCHEDULE I

List of Scheduled Castes.

I. Throughout the State except Ajmer District, Abu Area of Sirohi District and Sunel Area of Jhalawar District :—

- | | |
|----------------------------|---|
| 1. Adi Dharmi | 11. Bedla or Beria |
| 2. Aheri | 12. Bhand |
| 3. Badl | 13. Bhangi |
| 4. Bagri | 14. Binkia |
| 5. Bairwa or Berwa | 15. Bola |
| 6. Raigar | 16. Chamar, Bhambhi,
Jatav, Jatia, Mochi,
Rajdeas, Raigar, or
Ramdasia |
| 7. Balaj | 17. Chandai |
| 8. Bansphor | 18. Chura |
| 9. Bargi, Vargior or Birgi | 19. Dabgar |
| 10. Bawaria | |

20. Dhandia
21. Dheda
22. Dome
23. Gandia
24. Garancha Mehtar or Gencha
25. Garo, Garura or Gurda
26. Gavardia
27. Godhi
28. Jingar
29. Kalbelia
30. Kamad or Kamadia
31. Kanjar
32. Capadia Sansi
33. Khengar
34. Koli or Kori
35. Khatik
36. Kooch Band

37. Koria
38. Kanja
39. Madari or Bazigar
40. Majhabi
41. Megh or Meghwad
42. Mehar
43. Mehtar
44. Nut
45. Pasi
46. Rawal
47. Salvi
48. Sansi
49. Santia
50. Sarbhengi
51. Sargara
52. Satia
53. Thorior Nayak
54. Tirgar
55. Valmiki

II. In Ajmer District.

1. Aheri
2. Bagri
3. Balai
4. Bambi
5. Bansphod
6. Baori
7. Bargi
8. Bazigar
9. Bhangl
10. Bhdakia
11. Chamar, Jatava, Jatia, Mochlor
12. Dohgar
13. Dhanak
14. Dhed
15. Dhobi
16. Dholi
17. Dom
18. Geroda
19. Gancha

20. Kabirpanthi
21. Kalbohia
22. Khangar
23. Khatik
24. Koli
25. Koria
26. Kuchband
27. Mahar
28. Maghwal
29. Nat
30. Passl

31. Rawal
32. Sarbhengi
33. Sargara
34. Satia
35. Thorl
36. Tirgar
37. Kanjar
38. Sansi

III. In Abu Area of Sirohi District.

1. Ager
2. Bakand or Bant
3. Bhambi, Bhambhi, Assadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Mochigar, Mochigar, Madar, Madig, Telegn, Moohi, Kamati, Mochi, Bhhigar, Rohidas, Rohit, or Romgar
4. Bhargi, Mehtar, Olgana, Rukhi, Malkana, Halakhor.
5. Chalvadi or Channaya
6. Chenna, Dasar or Holaya Desar
7. Dhoor, Kakkayya or Kankayya
8. Garoda
9. Haller

10. Holder or Valhar
11. Halsar, Haslar, Hulasvar
12. Holaya or Holor
13. Lingadar
14. Mahar, Faral or Dhegu Negu
15. Mahyavanshi, Dhed, Vankar or
16. Mang, Matang or Minimading
17. Mang—Carudi
18. Meghval or Menghavar
19. Mukri
20. Nadia or Hadi
21. Pasi
22. Shenuva, Chenva, Sedma or Ravat
23. Tirgar or Terbanda
24. Turi

IV. In Sunel Area of Jhalawar District

- | | |
|----------------------------------|----------------------------|
| 1. Bagri or Bagdi | 13. Dom |
| 2. Balai | 14. Kanjar |
| 3. Banchada | 15. Khatik |
| 4. Barahar or Basod | 16. Koli or Kori |
| 5. Barghunda | 17. Kotwal |
| 6. Bedia | 18. Mahar |
| 7. Bhangl or Mahtar | 19. Mang or Mang Garodi |
| 8. Bhanumati | 20. Meghwal |
| 9. Chamar, Bairwa, Bhami, Jatava | 21. Nat, Kalbolia or Saper |
| 10. Chid | 22. Pardhi |
| 11. Dhanuk | 23. Pasi |
| 12. Dhed | 24. Sansi |
| | 25. Zamral |

SCHEDULE II

1. Throughout the State except Ajmer District, Abu Area of Sirohi District and Sunel Area of Jhalawar District.

1. Bhil
2. Bhil Mina
3. Damor, Damarla
4. Garasia (excluding Rajput Garasia).
5. Mina
6. Sahria, Sahariya

II. In Ajmer District.

1. Bhil
2. Bhil Mina.

III. In Abu Area of Sirohi District

1. Barda
2. Bavadhea or Bamcha
3. Bhil including Bhil Garasia, Dholi, Bhili, Dungari Bhil, Dungari Garasia, Mewasi, Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawara, Vasava and Vasava
4. Ghodhara
5. Dhanka including Tadvi, Tetaria and Valvi
6. Dhodia
7. Dubla including Talavia or Halpati
8. Gamit or Ganta or Gavit including Marchi, Tadvi, Vasava, Vasava and Valvi

9. Gond or Rajgond
10. Kathodi or Kathari including Dhor Kathodia or hor Kathori and son Kathadi or Son Kathori
11. Kokna, Kokni
12. Koli, Dhor, Tokpe Koli, Kolcha or Kolga
13. Naikda or Nayaka including Choliwala Nayaka, Kapadia Nayaka, Meta Nayaka and Nana Nayaka
14. Pardhi including Advichinchor and Pnanse Pardhi
15. Patelia
16. Pomla
17. Rathawa
18. Varli
19. Vitolia, Kotwalia or Barodia

IV. In Sunel rea of Jhalawar District

1. Gond
2. Korku
3. Seharia

SCHEDULE III

Application form for the Grant of Legal Assistance

To,

The District Probation and Social Welfare Officer, ...

Sir,

I,.....son of.....of the Village.....
Tehsil.....District.....submit the following for
your consideration and grant of legal assistance.

(1) I am a party as.....
(Accused/Complainant/Plaintiff/Respondent)
in.....(case No. and year), I, desire to file.....
against in the court of.....(Name and place of the Court).

(2) I am not a party against the State or the member of Scheduled Castes and Scheduled Tribes.

(3) The grounds for my application/appeal/petition/plaint/complaint/defense are given in the Statement appended with this application (give full particulars of the case).

(4) I am a member of the Scheduled Tribes/Castes. The certificate to this effect is enclosed.

(5) I own the following property:—

(a) House.....(give number)

(i) Pucca,

(ii) Kuchaha.

Situated at.....

(b) land in acres,

(i) Irrigated

(ii) Un-irrigated.

Situated at.....

(c) Cattle and Sheep.

(d) Other property (if any).

(6) The total annual income from all the sources comes to Rs per annum (Enclose a certificate to this effect duly signed by Tehsildar).

(7) I have to support the following (Give details regarding the relations of persons to be supported).

(8) I have no means to incur expenditure of the case and do hereby apply for legal assistance.

The legal assistance may kindly be granted to me as admissible under the rules.

Signature

The above is a true statement of fact

SCHEDULE IV

Schedule for scrutiny report

I have made necessary verification and inquiries as required under the rules and submit the following report:—

1. The applicant, Shri.....S/o.....is by cast, which is included in the list of Scheduled Castes/Scheduled Tribes given in Schedule I/Schedule II.

2. The case of the applicant is covered under rule 4. The brief particulars the case as are under:—

3. The case of the applicant to be put before the court/pending before the court is *Prima facie* a just one.

4. The applicant's financial position is such that he deserves assistance from the State funds. I have verified his financial position from the following documents:—

5. Other particulars of the case are as under:—

I enclose herewith an original application submitted by the applicant and recommend that applicant may be/may not be granted financial assistance under rules for legal assistance.

*Signature and Designation of
the forwarding Officer*

SCHEDULE V

Order of Sanction

Office Order

Sanction is hereby accorded for appointment of Shri..... a pleader to appear in the court of..... and plead the case of Shri.....S/o..... R/o Village.....Tehsil.....District..... accused/petitioner under section.....

Shri.....shall execute an agreement in form given in Schedule VI to the rules for legal assistance for Scheduled Castes Scheduled Tribes within 15 days from the receipt of this order and shall furnish the same to..

Shri.....,pleader, appointed to appear for the applicant mentioned to above shall pay the stamp duty leviable in respect of the agreement and include the amount thereon in the bill of fees and other expenses to be submitted by him under rule 3.

Shri....., pleader, shall furnish the progress report of the case of the every month to this office.

Distt. Probation and

Social Welfare Officer

SCHEDULE VI

AN AGREEMENT made the.....day of between the Governor of the State of Rajasthan (hereinafter called 'the Government') of the one part and son of..... belonging to Scheduled Castes/Tribes resident of..... (hereinafter called "the litigant" which expression shall include his heirs legal representatives and assigns) of the second part;

WHEREAS the litigant has been advised to file.....against..... in the court of.....at.....for the vindication

of his rights;

*WHEREAS the litigant is a party as.....in the case.....
.....Vs..... in the court of.....
at.....and has a right and just cause to pursue in the courts of
law;

WHEREAS the litigant has no means to pursue and bear the expenses
of litigation;

WHEREAS the Government upon application of the litigant has
agreed to grant the litigant legal assistance under and in accordance
with the Legal assistance (Scheduled Castes and Tribes) Rules, 1969, as
amended from time to time, upon the conditions and consideration here-
inafter appearing;

WITNESSETH 1. In consideration of the Government bearing the
expenses of litigation under and in accordance with the aforesaid rules,
the litigant does hereby agree with the Government that if he received
any money by way of costs, damages, or otherwise or any property,
under a decree or order of the court or officer in the aforesaid litigation
proceedings in respect of which assistance will be given to them by the
Government in accordance with the said rules, he shall pay to the
Government the expenses incurred by the Government by way of such
assistance including engagement of pleader and other incidental expenses
under and in accordance with the said rules, not exceeding the money or
value of the property so received.

2. It is further agreed between the parties hereto that the District
Probation & Social Welfare Officer.....shall be entitled to
cancel the grant of assistance at any time hereafter giving the litigant
an opportunity of hearing, if it is discovered that:—

- (i) the litigant had, within two months before he applied for legal
assistance, disposed of any property—fraudulently or in order to
be able to seek assistance; or
- (ii) has entered into an agreement with reference to the subject
matter of the aforesaid litigation under which any other person
has obtained an interest in such subject matter; or
- (iii) does not take an active interest in the aforesaid proceeding or
does not prosecute the same with the due diligence; or
- (iv) has made a compromise on the subject matter of the said
litigation out of the court without the consent of the District
Probation & Social Welfare Officer.

and if the said Distt. Probation & Social Welfare Officer cancels
the grant of such assistance the amount of the expenses incurred till
then, shall forthwith be paid by the litigant to the Government, in case
he fails to submit an application of appeal against such cancellation to
the Collector within one month from the date of communication of the
order of Distt. Probation & Social Welfare Officer.

If the litigant fails to make payment as required in virtue of clause
and 2 contained above, the money spent towards legal Assistance by
the Government shall be recovered as arrear of Public Demand under the
Rajasthan Public Demands Recovery Act, 1952.

IN WITNESS WHEREOF the parties hereto have appended their
signatures on the day and year first above written.

SIGNED

Signed by the Litigant,

For and on behalf of the Government of the
State of Rajasthan.

In the presence of—

Witness.....(1)	Witness.....(1)
Witness.....(2)	Witness.....(2)

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha) dated 30th June 1970.

The Rajasthan Panchayat Laws (Amendment) Ordinance 1970

Rajasthan Ordinance No. 7 of 1970

[Made and promulgated by the Governor on the 25th day of June, 1970]

An Ordinance further to amend the Rajasthan Panchayat Act, 1953 and the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959

Whereas it is expedient further to amend the Rajasthan Panchayat Act, 1953 and the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 in the manner hereinafter appearing;

And whereas the Rajasthan Legislative Assembly is not at present in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred on him by Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Twenty-first Year of the Republic of India, the following Ordinance, namely:—

PART I

Preliminary

1. *Short Title*—This Ordinance may be called the Rajasthan Panchayat Laws (Amendment) Ordinance, 1970.

PART II

Amendment of the Rajasthan Panchayat Act, 1953.

2. *Amendment of section 9, Rajasthan Act 21 of 1953.*—(1) In sub-section (2) of section 9 of the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953), hereinafter referred to as the Panchayat Act,—

(a) the words “before the first meeting of the Panchayat” shall be omitted; and

(b) the punctuation mark “fullstop” occurring at the end shall be substituted by the punctuation mark “colon”, and thereafter the following proviso shall be added, namely:—

“Provided that co-optation under this section may be held notwithstanding any vacancy in the office of a Panch or Sarpanch in a Panchayat”.

3. *Amendment of section 13, Rajasthan Act 21 of 1953.*—In section 13 of the Panchayat Act,—

(a) in sub-section (2), for the words “Sarpanch and the elected and co-opted Panchas”, the words “Sarpanch and the Panchas other than co-opted Panchas” shall be substituted; and

(b) in sub-section (3), for the words “Panchas”, the words “Sarpanch and Panchas other than the co-opted Panchas” shall be substituted.

4. *Amendment of section 15, Rajasthan Act 21 of 1953.*—In section 14 of the Panchayat Act, the words “in the Official Gazette” shall be omitted.

5. *Amendment of section 15, Rajasthan Act 21 of 1953.*—At the end of section 15 of the Panchayat Act, the punctuation mark “fullstop”

shall be substituted by the punctuation mark "colon", and thereafter the following proviso shall be added namely:—

"Provided that making and subscribing of an oath or affirmation by a Panch or Sarpanch under this section shall not be necessary for his taking part in or voting at any election or co-option under this Act or the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959)."

6. *Amendment of section 19 Rajasthan Act 21 of 1953.*—In section 19 of the Panchayat Act,—

(a) in sub-section (1), for the words, "elected or" the words "Panch other than a" shall be substituted; and

(b) in sub-section (2), for the the words, "associate Panchas" wherever occurring, the words "co-opted Panchas and associate members of the Panchayat" shall be substituted.

7. *Amendment of section 27C, Rajasthan Act 21 of 1953.*—In sub-section (2) of section 27C of the Panchayat Act, for the words "associate to Panchas", for the words "the co opted Panchayat and asosociate members of the Panchyat" shall be substituted.

PART III

Amendment of the Rajasthan Panchayat Samities and Zila Parishads Act, 1959.

8. *Amendment of section 8, Rajasthan Act 37 of 1959.*—In the proviso to sub-section (2) of section 8 of the Rajasthan Panchayat Samities and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959), hereinafter referred to as the Panchayat Samities and Zila Parishads Act for expression "clause (iii-a)", the expression "clauses (i), (ii) and (iii-a)" shall be substituted,

9. *Amendment of section 11, Rajasthan Act 37 of 1959*—In sub-section (1) of section 11 of the Panchayat Samitis and Zila Parishads Act, for the words "on a date previously to the date appointed for the constitution of a Panchayat Samiti under section 7 or, subject to the provisions of sub-section (4) of section 7, on every occasion when the Panchayat Samiti is reconstituted", the words "after the constitution or re-constitution of a Panchayat Samiti", shall be substituted.

10. *Amendment of section 12, Rajasthan Act 37 of 1959.*—In sub-section (1) of section 12 of the Panchayat Samitis and Zila Parishads Act,—

(a) in sub-clause (i) of clause (a), for the expression "clauses (i), (ii) and (iv)", the expression "clauses (i) and (ii)" shall be substituted;

(b) in sub-clause (ii) of the said clause, for the expression "clause (b) and (c)", the expression "clause (b)" shall be substituted;

(c) before the existing first proviso to the said clause, the following proviso and explanation shall be inserted, namely :—

"Provided that in case the Panchayat General Elections are held before the expiry of the term of the Panchayat Samiti, only such of the members specified in clause (a) shall be entitled to vote at the election of the Pradhan as have been newly elected in the general elections and not the sitting members thereof, unless such members have been reelected in general elections.

Explanation:—The expression sitting members" used in this proviso shall not include the members of the Legislative Assembly of the State".

(d) in the existing first proviso, for the words "Provided that, the words, "Provided further that" shall be substituted;

(e) in the existing second proviso, for the words "Provided further that", the words "Provided also that" shall be substituted;

(f) for the existing third proviso, the following proviso shall be substituted, namely :—

"Provided also that the election to the office of a Pradhan or up Pradhan shall not be called in question on the ground of existence of any vacancy in the office of the members specified in sub-clause (a) for any reason whatsoever"; and

(g) in clause (b), for the expression "in clauses (iii), and (v)", the expression "in clauses (iii), (iv) and (v)" shall be substituted.

(2) In sub-section (2) of the said section, the words "soon as may be after the co-option of the members mentioned in sub-section (2) of section 8, and as" shall be omitted

11. *Amendment of section 39 Rajasthan Act 7 of 1959.*—In section 39 of the Panchayat Samitis and Zila Parishads Act,—

(a) in sub section (2), between the expressions "clauses (iii)" and "and (v)", the expression, "(iv)" shall be inserted;

(b) in sub-section (3), in sub-clause (iii), for the words "the members", the expression "the members other than the members specified in clauses (iii), (iv) and (v) of sub section (1) of section 8" shall be substituted;

(c) in sub section (11), after the words "number of members of the Panchayat Samiti", the expression "other than the members specified in clauses (iii), (iv) and (v) of sub-section (1) of section 8", shall be added; and

(d) in sub-section (12), in clause (a), between the words "Panchayat Samiti" and "shall be", the words "other than the members specified in clauses (iii), (iv) and (v) of sub section (1) of section 8" shall be inserted

12. *Amendment of section 42, Rajasthan Act 37 of 1959.*—After sub section (5) of section 42 of the Panchayat Samitis and Zila Parishads Act, the following sub-section shall be added:—

"(e) Members co-opted under sub-section (4) shall not be entitled to move, or vote at the proceedings for the consideration of, a motion of no confidence against a Pramukh or Up-pramukh"

13. *Amendment of section 44, Rajasthan Act 37 of 1959*—In sub-section (1) of section 44 of the Panchayat Samitis and Zila Parishads Act, 1959 for the words "on a date previously to the date appointed for", the words "as soon as may be after" shall be substituted.

14. *Amendment of section 45, Rajasthan Act 37 of 1959.*—In sub-section (1) of section 45 of the Panchayat Samitis and Zila Parishads Act,—

(a) in sub-clause (i) of clause (a), for the expression "(iv) and (iv-b)", the expression "and (iv)" shall be substituted;

(b) in sub-clause (ii) of the said clause, for the expression "(iii a) and (iv)" the expression "and (iii-a)" shall be substituted;

(c) before the existing first proviso to the said clause, the following proviso and explanation shall be inserted:—

"Provided that in case the Panchayat general elections are held before the expiry of the term of the Zila Parishad, only such of the members specified in clause (a) shall be entitled to vote at the election of the Pramukh as have been newly elected in the general elections and not the sitting members thereof unless such members have been reelected in the general elections.

*Explanation:—*The expression "sitting members" used in this proviso

does not include the members of the Council of States, House of the People and the members of the Legislative Assembly of the State.”;

(d) in the existing first proviso for the words “Provided that” the words “Provided further that” shall be substituted;

(e) for the existing second proviso the following proviso shall be substituted:—

“Provided also that the election to the office of Framukh or Up-pramukh shall not be called in question on the ground of existence of any vacancy in the office of the members specified in clause (a) for any reason whatsoever.”; and

(f) in clause (b), for the expression “(iv) and (iv-b) from amongst themselves”, the expression “and (iv) of sub-section (3) of section 42 from amongst the members specified in clauses (i), (ii), (iv) and (iv-b) thereof” shall be substituted.

(2) In sub-section (2) of the said section, the expression “soon as may be after the co-option of the members mentioned in sub-section (4) of section 42 and as” shall be omitted.

15. *Amendment section 72, Rajasthan Act 37 of 1959* —At the end of sub-section (1) of section 72 of the Panchayat Samitis and Zila Parishads Act, the punctuation mark “fullstop” shall be substituted by the punctuation mark “colon” and thereafter the following proviso shall be added, namely :—

“Provided that making of an oath or affirmation by a member of a Panchayat Samiti or a Zila Parishad under this section shall not be necessary for his taking part in or voting at any election or co-option under this Act.”

The Industrial Disputes (Rajasthan Amendment) Act, 1970.

The following Act of the Rajasthan Legislature which received the assent of the President on the 8th July, 1970, was published in the *Rajasthan Gazette*, Ext., Part 4(ka), dated 2 th July, 1970.

Rajasthan Act No 14 of 1970

An Act further to amend the Industrial Disputes Act 1947 (Central Act 14 of 1947), in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement* —(1) This Act may be called the Industrial Disputes (Rajasthan Amendment) Act, 1970.

(2) It shall be deemed to have come into force on the Twenty-sixth day of February, 1970.

2. *Amendment of section 9D Central Act 14 of 1947* —In the Industrial Disputes Act, 1947 (Central Act 14 of 1947), as amended by the Industrial Disputes (Rajasthan Amendment) Act, 1958 (Rajasthan Act 34 of 1958) in its application to the State of Rajasthan, hereinafter referred to as the principal Act, in section 9D, for the words “three months next preceding the date of its so applying”, the words “at least three months during the period of six months immediately preceding the calendar month in which it so applies” shall be substituted.

3. *Amendment of section 9E, Central Act 14 of 1947*.—In section 9E of the principal Act, the existing section shall be numbered as sub-section (1) and after sub-section (1) so re-numbered, the following new sub-section shall be inserted, namely :—

“(2) Once a union has been registered as a representative union under this Act, the registration of the union shall be held valid for a

period of two years from the date of its registration and shall continue to hold valid unless the registration is cancelled under section 9F of this Act or another union is registered in its place according to section 9G of this Act."

4. *Amendment of section 9F, Central Act 14 of 1947.*—In sub-clause (ii) of clause (a) of section 9F of the principal Act, after the words 'continuous period of three months', the words "at any time after two years from the date of its registration" shall be inserted.

5. *Amendment of section 9G, Central Act 14 of 1947.*—In section 9G of the principal Act—

(a) in sub-section (1)—

(i) the words "at any time", occurring after the word "If" shall be deleted ; and

(ii) after the words "for a unit of an industry", the words "at any time after a lapse of two years from the date of registration of the representative union" shall be inserted ; and

(b) in sub-section (3), for the words "three months immediately preceding the date of the application", the words "at least three months during the period of six months immediately preceding the calendar month in which it so applies" shall be substituted.

6. *Insertion of new section 10K in Central Act 14 of 1947.*—After section 10J of the principal Act, the following new section shall be inserted, namely :—

"10K. *State Government may lay down terms and conditions of employment and prohibit strikes, etc.*—(1) Notwithstanding anything contained in the Act, if in the opinion of the State Government, it is necessary or expedient so to do, for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or maintaining industrial peace, it may by a general or special order make provision—

(a) for requiring employers, workmen or both to observe for such period as may be specified in the order, such terms and conditions of employment as may be determined in accordance with the order, and

(b) for prohibiting, subject to the provision of the order, strikes or lockouts generally or a strike or lockout in connection with any industrial dispute.

(2) In case any industrial dispute is raised in respect of any provisions in the order of the State Government made under sub-section (1) within a period of three months of the order, it shall be referred by the State Government for adjudication to an Industrial Tribunal and the order shall lapse when the award of the Tribunal becomes enforceable :

Provided however, that the reference of the industrial disputes to adjudication shall not have the effect of staying the operation of the order."

7. *Insertion of new section 30A in Central Act 14 of 1947.*—After section 30 of the principal Act, the following new section shall be inserted, namely :—

"30A *Penalty for contravention of an order made under section 10K.*—Any person who contravenes an order issued by the State Government in pursuance of section 10K of the Act shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both."

8. *Amendment of section 33C, Central Act 14 of 1947.*—In sub-section (1) of section 33C of the principal Act, after the expression "Chapter

VA", the expression "or under an order issued by the State Government under section 10K of the Act" shall be inserted.

9 *Saving*—(1) Notwithstanding the lapse of the Industrial Disputes (Rajasthan Amendment) Ordinance, 1969 (Rajasthan Ordinance 13 of 1969) and the Industrial Disputes (Rajasthan Amendment) Ordinance, 1970 (Rajasthan Ordinance 2 of 1970), anything done or any action taken by or under the said Ordinances shall be deemed to have been done or taken by or under this Act.

(2) The provisions of sub-section (1) shall be without prejudice to the provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), which shall apply to the expiry of the Laws mentioned in sub-section (1).

(3) Notwithstanding anything contained in this Act, no person shall be convicted of an offence under section 30-A of the principal Act for having committed the same on or after the Twenty Sixth day of February, 1970 and before the day-of-publication of this Act.

Published in the *Rajasthan Gazette*, Extraordinary, Part 4(Kha),
dated July 20th 1970.

The Rajasthan Urban Improvement (Amendment) Ordinance, 1970
Rajasthan Ordinance No. 8 of 1970

An Ordinance further to amend the Rajasthan Urban Improvement Act, 1959—

Whereas the Rajasthan Legislative Assembly is not at present in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Twenty-first year of the Republic of India, the following Ordinance, namely:—

1. *Short Title*—This Ordinance may be called the Rajasthan Urban Improvement (Amendment) Ordinance, 1970.

2. *Amendment of section 9, Rajasthan Act 35 of 1959*.—In sub-section (1) of section 9 of the Rajasthan Urban Improvement Act, 1959 (Rajasthan Act 35 of 1959), hereinafter referred to as the principal Act,—

(a) in clause (c) for words, "four in number", the words "six in number of whom one shall be a person belonging to a Scheduled Caste or Scheduled Tribe" shall be substituted;

(b) in clause (c) of the proviso for the words "two other members" the words "three other members of whom one shall be a person belonging to a Scheduled Caste or Scheduled Tribe" shall be substituted.

3. *Amendment of section 32, Rajasthan Act 35 of 1959*.—In sub-section (2) of section 32 of the principal Act for the words "six months", wherever they occur, the words "twelve months" shall be substituted.

4. *Insertion of new section 41-B, in Rajasthan Act 35 of 1959*.—After section 41-A of the principal Act, the following new section shall be inserted, namely:—

"41-B *Procedure of framing schemes not to apply in certain cases*—Notwithstanding anything contained in this Chapter, the State Government may on an application of a Trust and on the recommendations of the Chief Town Planner, sanction any scheme framed by the Trust without following the procedure laid down in sections 32 to 38, where such scheme is for beautification or of public utility, and does not involve acquisition, purchase or sale of land and does not affect private rights and interests."

5 *Amendment of the heading of Chapter VI, Rajasthan Act 35 of 1959.*—In the heading of Chapter VI of the principal Act, the words “where a scheme has been sanctioned” shall be omitted.

6. *Amendment of section 43, Rajasthan Act 35 of 1959.*—In section 43 of the principal Act,—

(a) in sub section (1), for the words, “a scheme framed and sanctioned under this Act” occurring at the end, the words, “the provisions of this Act” shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) After any such Nazul land has been improved by, or under the control and supervision of, the Trust, it shall be dealt with by the Trust in accordance with the rules made and directions given by the State Government in this behalf and any order, or contract regarding such land or any other property made by the Trust in contravention of the provisions of the Act or the rules made thereunder or the directions given by the State Government shall be void:

Provided that if any Nazul land placed at the disposal of the Trust or any private land acquired by the Trust contains scattered plots and small strips of land for which no scheme can be framed, the Trust shall be competent to sell such scattered plots and strips of land in accordance with the directions given by the State Government in this behalf, without framing any scheme for the area in which such plots of land or strips lie.

Provided further that notwithstanding anything contained in this Chapter, the sale by the Trust of any such plot of land or strip not exceeding 1,500 sq. yards in area made before the coming into force of this Ordinance shall not be void merely for the reason that such sale was made without framing a scheme for the area in which such plot of land or strip lies.”

7. *Insertion of new section 105-A.*—In Rajasthan Act 35 of 1959—

After section 105 of the Principal Act, the following new section shall be inserted, namely:—

“105. *A Power of Government to suspend execution of order of Trust.*—(1) If in the opinion of the State Government or any officer or authority appointed or authorised by the state Government in this behalf the execution of any order or resolution of a Trust or the doing of anything which is about to be done or is being done by or on behalf of the Trust is causing or is likely to cause obstruction or annoyance, or injury to the public or a breach of the peace or is unlawful, the Government or such officer or authority may, by order in writing suspend the execution of any such order or prohibit the doing of any such thing.

(2) When any such officer or authority makes any order under this section, he shall forthwith forward to the State Government and to the Trust affected thereby a copy of the order with a statement of the reasons for making it, and it shall be in the discretion of the State Government to rescind the order or to direct that it shall continue in force, with or without modification, permanently or for such period as it thinks fit:

Provided that no order of such officer or authority passed under this section shall be confirmed, revised or modified by the State Government without giving the Trust a reasonable opportunity of showing cause against the said order.

The Rajasthan Tenancy (Second Amendment) Act 1970

The following Act of the Rajasthan Legislature which received the assent of the President on the 9th August, 1970, was published in the *Rajasthan Gazette*, Ext., Part 4(Ka), dated 18th August 1970.

Rajasthan Act No. 15 of 1970

An Act further to amend the Rajasthan Tenancy Act, 1955.

Be it enacted by the Rajasthan State Legislature in the Twenty-first year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Rajasthan Tenancy (Second Amendment) Act, 1970.

2. *Insertion of new section 30DD.* *Rajasthan Act 3 of 1955*—After section 30D of the Rajasthan Tenancy Act, 1955 (Rajasthan Act, 3 of 1955), hereinafter referred to as the principal Act, the following new section shall be inserted, namely :—

“30DD. *Certain transfers to be recognised.*—Notwithstanding anything to the contrary contained in section 30D, for the purpose of determining the ceiling area in relation to a person under section 30C,—

(i) every transfer of land not exceeding thirty standard acres made by a person upto the thirty first day of December, 1969 in favour of an agriculturist domiciled in Rajasthan or in favour of his son or brother intending to take to the profession of agriculture and capable of cultivating land personally and who had attained the age of maturity on or before the said date; and

(ii) every transfer to the extent as aforesaid made by a person before the first day of June, 1970 of land comprised in groves or farms of the referred in to nature clauses (a), (b), (d) and (e) of sub-section (1) of Section 30J as it stood prior to the commencement of the Rajasthan Tenancy (Second Amendment) Act, 1970 and acquired before the first day of May, 1959 in favour of his son or brother fulfilling the conditions mentioned in clause (i) and who attains the age of majority on or before the first of the aforementioned dates.

shall also be recognised.

Explanation.—I. The expression “agriculturist” in this section shall mean a person who earns his livelihood wholly or mainly from agriculture and cultivates land by his own labour or by the labour of any member of his family or along with such labour as aforesaid with the help of hired labour or servant on wages payable in cash or in kind and shall include an agricultural labourer and a village artisan.

II. The expression “domiciled in Rajasthan” in this section shall mean a person who permanently resides in Rajasthan since before the commencement of this Act.”

3. *Amendment of section 30E, Rajasthan Act 3 of 1955.*—In section 30E of the principal Act, after sub-section (5), the following new sub-section shall be added namely :—

“(6) Nothing contained in this section shall operate as against the transferor to the extent his transfers are recognised under section 30DD.”

4. *Amendment of section 30 J, Rajasthan Act 3 of 1955.*—In sub-section (i) of section 30J of the principal Act.—

- (i) clauses (a), (b), (d) and (e) and the third proviso shall be omitted.
- (ii) in clause (f), after the words “or gaushala”, the words “and land;

held by an educational institution of a public nature if the entire income of such land is appropriated for such institution" shall be added; and

(iii) from the first and second provisos, the words "or grove" and the words "grove of" respectively shall be omitted.

5. *Amendment of section 42, Rajasthan Act 3 of 1955.*—Clause (c) of section 42 of the principal Act shall be and shall always be deemed to have been omitted.

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha), dated,
18th August 1970.

The Rajasthan Khadi and Village Industries Board (Amendment) Ordinance, 1970.

Rajasthan Ordinance No. 10 of 1970.

An Ordinance further to amend the Rajasthan Khadi and Village Industries Board Act, 1955.

Whereas the Rajasthan Legislative Assembly is not at present in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Rajasthan Khadi and Village Industries Board Act, 1955 (Rajasthan Act 5 of 1955) in the manner hereinafter appearing ;

Now, therefore, in exercise of the Powers conferred by him by Article 213 of the Constitution of India, the Governor of the State of Rajasthan is pleased to make and promulgate in the Twenty first Year of the Republic of India, the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Rajasthan Khadi and Village Industries Board (Amendment) Ordinance, 1970.

2. *Amendment of section 8, Rajasthan Act 5 of 1955.*—In section 8 of the Rajasthan Khadi and Village Industries Board Act, 1955—

(a) in sub-section (1), before the expression "the Vice-Chairman", the expression "the Chairman and" shall be inserted; and

(b) in sub-section (2), for the expression "Vice-Chairman" the expression "Chairman" shall be substituted.

Published in the *Rajasthan Gazette*, Ext., Part 4 (Kha), dated 13th August 1970.

The Rajasthan Tenancy (Amendment) Ordinance 1970.

Rajasthan Ordinance No. 9 of 1970.

An Ordinance further to amend the Rajasthan Tenancy Act, 1955.

Whereas the Rajasthan Legislative Assembly is not now in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf ;

Now, therefore, in exercise of the powers conferred on him by article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Twenty-first Year of the Republic of India the following Ordinance, namely ;—

1. *Short title.*—This Ordinance may be called the Rajasthan Tenancy (Amendment) Ordinance, 1970.

2. *Amendment of section 183, Rajasthan Act 3 of 1955.*—In sub-section (1) of section 183 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) for the words "on the suit of the person or persons entitled to admit him as tenant", the words "on the suit of the person or persons entitled to eject him" shall be substituted.

Published in the *Rajasthan Gazette*, Ext., Part 4(Kha), dated 26th August, 1970.

The Rajasthan Official Language (Supplementary Provisions) Ordinance, 1970.

Rajasthan Ordinance No. 11 of 1970.

An Act to provide for the publication of authoritative-texts in Hindi of laws passed in English and for the publication of revised texts of laws passed in Hindi by the State Legislature and for matters connected therewith.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of the State of Rajasthan is pleased to make and promulgate in the Twenty-first Year of the Republic of India the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Rajasthan Official Language (Supplementary Provision) Ordinance, 1970.

2. *Authenticative texts in Hindi of Acts, Rules, etc.*—A translation in Hindi made by and published under the authority of the Governor in the Gazette of any Rajasthan Law passed in the English language, or of any order, rule regulation or bye-law issued in the English language by the Government of Rajasthan shall be deemed to be the authoritative text thereof in Hindi.

3. *Revised text of laws in Hindi.*—(1) To improve the linguistic form of or to make uniform the mode of expression or to rectify drafting or clerical errors in the Hindi text of law, its revised text may be made by and published under the authority of the Governor and such revised text on publication shall be deemed to be the Hindi text thereof as passed or issued by the competent authority :

Provided that any modification made under this sub-section shall not operate as an amendment to or alteration of the law itself in any manner.

Explanation.—For the purpose of this sub-section the term 'law' means any enactment passed by the State Legislature or any order, rule regulation or bye-law issued by the State Government.

(2) Every revised text of a law, excepting that of rules made and published under Article 309 of the Constitution, published under sub-section (1) shall be laid as soon as may be, after it is so made, before the House of the State Legislative Assembly while it is in session, for a period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or of the session immediately following, the House of the State Legislative Assembly makes any modification in any such text, such a revised text shall thereafter have effect only in such modified form.

4. *Power to make rules.*—The State Government may, by notification in the Official Gazette, make rules not inconsistent with this Ordinance, for the purpose of carrying into effect the provisions of this Ordinance.

Published in the *Rajasthan Gazette*, Part 4(Ga)(I), dated 16th July, 1970.

REVENUE (COLONISATION) DEPARTMENT

G. S. R. 168.—June 15, 1970.—In exercise of the power conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act

(27 of 1954), the State Government hereby makes the following amendments in the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955 (hereinafter referred to as the said Rules), namely :—

AMENDMENTS

For the existing Rule 17A of the said Rules, following Rules shall be substituted, namely :—

"27. A. *Allotment of small patches.*—(1) Notwithstanding anything to the contrary in the Rules patches of Government land of less than 3 acres in area or a portion out of it may be allotted at the prevalent market price, to the adjoining tenant and where there are more than one tenant adjoining any patch, allotment shall be made by draw of lots. Allotments under this Rule shall be subject to ceiling limit.

(2) (i) Patches of Government land of more than 3 acres in area or a portion out of it, may be allotted as above, to an adjoining tenant to whom Government land less than one Murabba had been allotted in the past to make up the deficiency of one Murabba in allotment.

(ii) In case, no adjoining tenant is eligible for allotment under the above sub-rule, the Government land or a portion out of it, of more than 3 acres may be allotted to any other person, so eligible".

Published in *Rajasthan Gazette*, 4 (Ga) dated 16th July, 1970.

G.S.R. 159.—June 20, 1970.—In exercise of the powers conferred by section 28, read with sub-sections (1) and (2) of section 7, of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby issues the following statement of conditions further to amend the Rajasthan Colonisation (Temporary Cultivation Leases) Conditions, 1955, namely :—

1. *Short title.*—This statement of conditions may be called the Rajasthan Colonisation (Temporary Cultivation Leases) Third Amendment Conditions, 1970.

2. *Amendment of condition No. 4.*—In condition No. 4 of Rajasthan Colonisation (Temporary Cultivation Leases) Conditions, 1955, hereinafter referred to as the conditions, after clause (o), the following clause shall be added, namely :—

"(p) "Command Land" and "Un-command Land" mean land shown as such by the Irrigation Department of the State Government in its statements of command land and un-command land respectively."

3. *Amendment of condition No. 6.*—In clause (3) of condition No. 6 of the conditions, after the second proviso, the following further proviso shall be added, namely :—

"Provided also that the tenants whose land, falling in the Rajasthan Canal Project Colony Area has been acquired for any public purpose and who have not been given any land in exchange or in lieu of compensation for the land so acquired, may subject to availability of land in the same Tehsil, be allotted government land without drawing lots, to the extent they are eligible for allotment of land as landless tenants under these conditions".

4. *Amendment of condition No. 7.*—In the first proviso to condition No. 7, after the words "per Bigha of", the word "Command" shall be inserted.

5. *Insertion of condition 8-A.*—After condition No. 8 of the conditions, the following condition shall be inserted, namely :—

"8-A. *Allotment by Government in Special cases.*—Notwithstanding anything to the contrary contained in these rules, the State Government may make allotment of Government land under these conditions to any person as a special case, without drawing lots".

Published in the *Rajasthan Gazette*, Part 4(Kha), dated 5th September, 1970

The Rajasthan Essential Services Maintenance Ordinance, 1970
Rajasthan Ordinance No. 12 of 1970

(Made and promulgated by the Governor on the 5th day of September, 1970)

An Ordinance to provide for the maintenance of certain essential services in Rajasthan and for matters connected therewith.

Whereas the Rajasthan Legislative Assembly is not in Session at present and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is pleased to make and promulgate in the twenty-first year of the Republic of India, the following Ordinance:—

1. *Short title, extent and commencement*—(1) This Ordinance may be called the Rajasthan Essential Services Maintenance Ordinance, 1970.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Definitions.*—(1) In this Ordinance, unless the context otherwise requires—

(a) "essential service" means—

(i) any public service in connection with the affairs of the State of Rajasthan;

(ii) any service under the educational institutions recognised by the Director of Education, Rajasthan, or by the Board of Secondary Education, Rajasthan;

(iii) any service under a local authority;

(b) "Strike" means any cessation of work (including any unauthorised absence from duty) by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes:—

(i) refusal to work over-time where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in or results in cessation or substantial retardation of work in any essential service

3. *Power to prohibit strike in certain employments.*—(1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order prohibit strike in any essential service specified in the order.

(2) An order made under sub-section (1) shall be published in such manner as the State Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An order made in sub-section (1) shall be in operation for six months only, but the State Government may, by a like order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1) —

(a) no person employed in any essential service to which the order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in such service shall be illegal.

4. *Penalty for illegal strike*—Any person who commence a strike which is illegal under this Ordinance or goes or remains on or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to 200 rupees or with both.

5. *Penalty for instigation etc.*—Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of a strike which is or would be illegal under this Ordinance, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to 1000 rupees or with both.

6. *Penalty for giving financial aid to illegal strike*—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is or would be illegal under this Ordinance, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to 1000 rupees or with both.

7. *Power to arrest without warrant.*—Any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence punishable under this Ordinance.

8. *Ordinance to override other State laws.*—The provisions of this Ordinance or any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other Act of the State of Rajasthan for the time being in force.

The Rajasthan Land Revenue (Amendment) Act, 1970

The following Act of the Rajasthan Legislature which received the assent of the Governor on 24th April, 1970, was published in the *Rajasthan Gazette*. Part 4(Kha), dated 30th April, 1970.

Rajasthan Act No. 6 of 1970

An Act further to amend the Rajasthan Land Revenue Act 1956.

Be it enacted by the Rajasthan State Legislature in the Twenty first Year of the Republic of India as follows:—

1. *Short title and commencement.*—This Act, may be called the Rajasthan Land Revenue (Amendment) Act, 1970

(2) It shall be deemed to have come into force on the Twenty-sixth day of February, 1970.

2. *Amendment of section 4, Rajasthan Act, 15 of 1956.*—In section 4 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956)

(a) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The State Government shall prescribe the qualifications of persons who shall be eligible for appointment as Chairman and Member of the Board, the method of their selection for appointment and the condition of their service:

Provided that till the qualifications of persons to be eligible for appointment as Chairman and Members of the Board are prescribed by the Government and appointments are made in accordance therewith their qualifications shall continue to be the same as prescribed by sub-section (4) as it stood immediately before the commencement of the Rajasthan Land Revenue (Amendment) Ordinance, 1969”

(b) after sub-section (4) as so substituted, the following new sub-section (5) shall be inserted, namely:—

“(5) The constitution of the Board shall not be deemed to be invalid if any vacancy occurs on account of the death, resignation, expiry or termination of the appointment or temporary absence of the Chairman or of any member.”

The Rajasthan Panchayat Laws (Amendment) Act, 1970

The following Act of the Rajasthan Legislature which received the assent of the Governor on 29th April 1970, was published in the *Rajasthan Gazette*, Part 4 (Extraordinary), dated 30 April 1970

Rajasthan Act No. 7 of 1970

An Act further to amend the Rajasthan Panchayat Act, 1953 and the Rajasthan Panchayat Samitis and Zila Parishads Act 1959.

Be it enacted by the Rajasthan State Legislature in the Twenty-first Year of the Republic of India, as follows:—

1. *Short title*—This Act may be called the Rajasthan Panchayat Laws (Amendment) Act, 1970.

2. *Amendment of section 16, Rajasthan Act 21 of 1953*.—Clauses (iii), (v), (vii), (viii) and (xi) of sub-section (1) of section 16 of the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953), hereinafter referred to as the principal Act, shall be omitted;

3. *Amendment of section 17, Rajasthan Act 21 of 1953*.—(1) In proviso to sub-section (4) of section 17 of the principal Act, the word “only” shall be omitted.

(2) In sub-section (4-B) of section 17 of the principal Act, for the words “three years,” the words “five years” shall be substituted.

(3) After sub-section (4-B) of section 17 of the principal Act, the following new proviso shall be added:—

“Provided that if any such Panch, Sarpanch Up-sarpanch against whom the findings have been recorded is holding an elective office or appointed to hold such office under the provisions of this Act or the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 at the time of such recording of finding shall be considered to have become disqualified to hold such office under sub-section (j) of section 11;”

“23. *Appointment of Secretary or Group Panchayat Secretary and other staff*—(1) Subject to the provisions of this Act and rules made thereunder;—

(a) there shall be for every Panchayat a Secretary or a Group Panchayat Secretary for a panchayat who shall be appointed in the prescribed manner;

(b) every Panchayat may, with the previous approval of the Panchayat Samiti, appoint such other staff as may be necessary for carrying out the duties imposed on it by or under this Act on such conditions of service as may be prescribed.

(2) It shall be the duty of the Secretary of every Panchayat or a Group Panchayat Secretary, subject to the control of the Sarpanch:—

(a) to keep the records and registers of the Panchayat in his custody;

(b) to issue receipts under his signature for sums of money received on behalf of the Panchayat;

(c) to be responsible for maintaining the accounts of the Panchayat fund;

(d) to be responsible for the safe custody of the Panchayat fund;

(e) to prepare all statements and report required by or under this Act or rules made thereunder;

(f) to make all such payments as may be sanctioned by the Panchayat; and

(g) to perform such other functions and duties under this Act or rules made thereunder."

5. *Amendment of section 40, Rajasthan Act 37 of 1970.*—In sub-section (3) of section 40 of the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959), hereinafter referred to as the Panchayat Samitis and Zila Parishads Act, for the words "three year" the words "five years" shall be substituted.

(2) In sub-section (4) of section 40 of the Panchayat Samitis and Zila Parishads Act, the word 'only' shall be omitted and the following new proviso shall be added:—

"Provided that if any such Pradhan, Up-Pradhan or member against whom the findings have been recorded is holding an elective office or appointed to hold such office under the provisions of this Act or Rajasthan Panchayat Act, 1959, at the time of such recording of such recording of finding shall be considered to have become disqualified to hold such office under sub-sections (k) and (l) of section 15 as the case may be."

The Rajasthan Passengers and Goods Taxation (Amendment) Act, 1970

The following Act of the Rajasthan Legislature, which received the assent of the Governor on 30th April 1970, was published in the *Rajasthan Gazette*, Part 4(Kha), dated 6th May 1970.

Rajasthan Act No. 8 of 1970

An Act further to amend the Rajasthan Passengers and Goods Taxation Act, 1959.

Be it enacted by the Rajasthan State Legislature in Twentyfirst Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Rajasthan Passengers and Goods Taxation (Amendment) Act, 1970.

2. *Amendment of section 2, Rajasthan Act 18 of 1959.*—In section 2 of the Rajasthan Passengers and Goods Taxation Act, 1959 (Rajasthan Act 18 of 1959), hereinafter referred to as the 'principal Act',—

(a) after clause (b), the following new clause shall be inserted, namely:—

"(bb) "Deputy Commissioner (Administration)" means a person appointed by the State Government to be the Deputy Commissioner of Commercial Taxes (Administration)."

(b) in clause (h) for the words "public carrier", the words "public goods vehicle", shall be substituted; and

(c) after clause (h) as so amended, the following new clause shall be inserted, namely:—

(hh) "public goods vehicle" means any motor vehicle constructed or adapted for use for carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers, for hire or reward."

3. *Amendment of section 3, Rajasthan Act 18 of 1959*—In section 3 of the principal Act, for sub-section (1) (excluding the explanation), the following sub-section shall be substituted, namely:—

"(1) There shall be levied; charged and paid to the State Government a tax on all passengers and goods carried by motor vehicles, at such rate not exceeding 30% of the value of the fare or freight in case of cemented, tarred, asphalted, metalled, gravel and kankar,

roads and not exceeding 25% of such value in other cases as may be notified by the State Government from time to time, subject to a minimum of one paisa in any one case, the amount of tax being calculated to the nearest paisa."

4. *Amendment of section 4, Rajasthan Act 18 of 1959.*—In section 4 of the principal Act,—

(a) in the first proviso, for the expression "public carriers" the expression "public goods vehicles", shall be substituted; and

(b) in the second proviso, after the expression "in case of", the expression "stage carriages or" shall be inserted.

5. *Amendment of section 9, Rajasthan Act 18 of 1959.*—In section 9 of the principal Act, after the expression "any of the provisions of this Act"; the expression "or the rules framed thereunder", shall be inserted.

6. *Amendment of section 10, Rajasthan Act 18 of 1959.*—In section 10 of the principal Act, for the expression "public carriers" the expression "public goods vehicles" shall be substituted.

7. *Amendment of section 11, Rajasthan Act 18 of 1959.*—In sub-section (2) of section 11 of the principal Act,—

(a) for the words "the Commissioner" the words "a Deputy Commissioner (Administration)" shall be substituted; and

(b) after the expression "recover the tax", the expression "or penalty", shall be inserted.

8. *Amendment of section 14-A, Rajasthan Act 18 of 1959.*—In the proviso to section 14-A of the principal Act,—

(a) after the words "the Commissioner" first occurring the expression "or subject to such condition and limitations, as may be prescribed, a Deputy Commissioner (Administration)," shall be inserted; and

(b) after the words "the Commissioner" occurring second time, the expression "or a Deputy Commissioner (Administration)" shall be inserted.

9. *Amendment of section 21, Rajasthan Act 18 of 1959.*—In section 21 of the principal Act,—

(a) in sub-section (2), after clause (g), the following new clause shall be inserted, namely :—

"(gg) providing for the rectification of mistakes apparent from the record of any assessment, appeal or revision and the period within which such rectification may be made" and

(b) after sub-section (2) as so amended, the following sub-section shall be added, namely :—

(3) All rules made under this Act, shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if, before the expiry of the session in which they are so laid or of the session immediately following the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

— — —

Published in the *Rajasthan Gazette*, Ext., Part 4(Ga), dated 26th September, 1970.

LABOUR DEPARTMENT

G. S. R. 70.—September 26, 1970—In exercise of the powers conferred by clauses (p), (q) and (r) of sub-section (2) of section 32 of the **Workmen's Compensation Act, 1923** (Central Act 8 of 1923), the State Government hereby makes the following rules to amend the Rajasthan Workmen's Compensation (Occupation Diseases) Rules, 1965, the same have been previously published in the *Rajasthan Gazette* Part 3 (Kha) dated the 29th July, 1969 as required by sub-section (1) of section 34 of the said Act, namely :—

1. *Short title*.—These rules may be called the **Rajasthan Workmen's Compensation (Occupation Diseases) Amendment Rules, 1970**.

2. *Insertion of new rule 16*.—In the Rajasthan Workmen's Compensation (Occupation Diseases) Rules, 1965, after rule 15, the following new rule shall be inserted, namely :—

“16. *Repeal and Saving*.—The Rajasthan Silicosis Rules, 1955, are hereby repealed.

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been or taken under the corresponding provisions of these rules.”

Published in the *Rajasthan Gazette* Ext., Part 4(Ga), dated 24th September, 1970.

G. S. R. 69.—September 24, 1970—In exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), the State Government hereby makes the rules further to amend the Rajasthan Payment of Wages Rules, 1961, the same having been previously published in the *Rajasthan Gazette*, Extraordinary, Part III (Kha) dated 2nd March, 1970, as required by sub-section (5) of the said section namely :—

1. *Short title*.—These rules may be called the **Rajasthan Payment of Wages (Amendment) Rules, 1970**.

2. For rule 22 of the Rajasthan Payment of Wages Rules, 1961, the following shall be substituted, namely :—

“22. *Fees*.—The court fee payable in respect of proceedings under the Act shall be as follows :—

- | | |
|---|---|
| (i) For every application to summon a witness. | 24 paise in respect of each witness. |
| (ii) For every application made by or on behalf of an individual person before the Authority. | 50 paise. |
| (iii) For every other application made by or on behalf of unpaid group before the authority | 25 paise for each member of the group subject to a maximum of five rupees. |
| (iv) (a) For every appeal lodged with the Court. | Two rupees and 50 paise for the first hundred rupees or portion thereof and 50 paise for every additional hundred rupees or portion thereof, subject to a maximum of ten rupees |
| (b) For every other miscellaneous application filed before the Court. | 50 paise. |

Provided that the authority or the court may, in consideration of the poverty of the applicant, reduce or remit these fee :

Provided further that no fee shall be chargeable in respect of any application presented by an Inspector.”

PART V

GUJARAT ACTS

& ORDINANCES

— : o : —

The Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Act, 1969.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 9th December, 1969 was published in the *Gujarat Government Gazette*, Ext., Part IV, No. 24, dated 12th December, 1969/Agrahayana 27, 1891.

Gujarat Act No. 18 of 1969

An Act further to amend the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958.

It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Act 1969.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.—

2. *Amendment of section 2 of Bom. LXVII of 1958.*—In section 2 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958) (hereinafter referred to as "the principal Act"), after clause (3) the following clause shall be inserted, namely :—

"(3A) "new capital area" means the area comprised in the new capital within the meaning of clause (c) of section 2 of the Gujarat New Capital (Periphery) Control Act, 1960;

3. *Amendment of section 3 of Bom. LXXVII of 1958.*—In section 3 of the principal Act, in sub section (1), for the proviso, the following shall be substituted, namely :—

"Provided that where such stage carriage plies exclusively within the new, capital area or a municipal area or exclusively on such routes serving the new capital area or a municipal area and also areas adjacent to either of these areas or serving the new capital area, a municipal area and the area between them, as may be approved by the State Government, the rate shall be such as would yield such amount, not exceeding 7½ per cent of the inclusive amount of fare so payable, as may from time to time be notified in the *Official Gazette* by the State Government."

The Gujarat State Guarantees (Amendment) Act, 1969

The following Act of the Gujarat Legislature having been assented to by the Governor on the 17th December, 1969 was published in the *Gujarat Government Gazette*, Ext., Part IV, No. 25, dated December 18, 1969/Agrahayana 27, 1891.

Gujarat Act No. 19 of 1969

An Act further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Gujarat State Guarantees (Amendment) Act, 1969.

2. *Amendment of section 2 of Guj. XXII of 1963.*—In sub-section (1) of section 2 of the Gujarat State Guarantees Act, 1963 (Guj. XXII of 1963) for the letters and figures "Rs. 3,00,00,00,000", the letters and figures "Rs. 5,00,00,00,000" shall be substituted.

The Gujarat Contingency Fund (Amendment) Act, 1969.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 17th December, 1969 was published in the *Gujarat Government Gazette*, Ext., Part IV, No. 26, dated December 18, 1969/Agrahyana 27, 1891.

Gujarat Act No. 20 of 1969

(First published after having received the assent of the Governor in the *Gujarat Government Gazette* on the 18th December 1969).

An Act further to amend the Gujarat Contingency Fund Act, 1960.

It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Gujarat Contingency Fund (Amendment) Act, 1969.

2. *Amendment of section 2 of Guj. IV of 1960.*—In section 2 of the Gujarat Contingency Fund Act, 1960, (Guj. IV of 1960) for the words "ten crores of rupees" the words "fifteen crores of rupees" shall be substituted.

3. *Repeal of Guj. Ord. 5 of 1969.*—The Gujarat Contingency Fund (Amendment) Ordinance, 1969 (Guj. Ord. 5 of 1969), is hereby repealed and the provisions of sections 2 and 25 of the Bombay General Clauses Act, 1904 (Bom. 1 of 1904) shall apply to such repeal as if that Ordinance were an enactment.

The Gujarat (Third Supplementary) Appropriation Act, 1969.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 17th December 1969 was published in the *Gujarat Government Gazette*, Part IV, dated December 25, 1969, pages 131 to 136.

Gujarat Act No. 22 of 1969

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty-first day of March, 1970.

It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Gujarat, (Third Supplementary) Appropriation Act, 1969.

[Remaining text omitted.]

Editor.]

The Gujarat Co-operative Societies and the Bombay Land Improvement Schemes (Amendment) Act, 1969.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 17th December 1969 was published in the *Gujarat Govt. Gazette*, Ext., Part IV, No. 27, dated December 18, 1969.

Gujarat Act No. 21 of 1969.

An Act to amend the Gujarat Co-operative Societies Act, 1961 and the Bombay Land Improvement Schemes Act, 1942, for certain purposes.

It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. *Short title*—This Act may be called the Gujarat Cooperative Societies and the Bombay Land Improvement Schemes (Amendment) Act, 1969.

2. *Insertion of new section 143A in Guj. X of 1962*.—Alter section 143 of the Gujarat Cooperative Societies Act, 1961 (Guj. X of 1962) the following new section shall be inserted, namely:—

“143A. *Transfer of rights and liabilities of Government in respect of schemes sanctioned under Bom. XXVIII of 1942*.—(1) Where any works, included in a land improvement scheme which has come into force under the Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942) are carried out at the cost or part cost of the State Government, and such cost or part of cost is to be recovered from the owners of the lands (other than Government) included in the scheme as shown in the statement prepared under section 13 or in the interim or final statement prepared under section 13A of that Act, then, notwithstanding anything contained in this Act, all the rights and liabilities of the State Government for the recovery of the cost or part cost from the owners of land shall stand transferred to the State Land Development Bank, in relation to such owners of land, and subject to such terms and conditions (including any condition regarding giving of any guarantee by the State Government) as may be agreed upon between the State Government and such Land Development Bank; and for arriving at such agreement, every owner of land shall produce before the Bank all such documents, and other evidence relating to his land included in such scheme as the Bank may require.

(2) On such transfer of rights and liabilities of the State Government, the State Land Development Bank shall pay to the State Government an amount equal to the extent of the liability accepted by it under such agreement, and the State Government shall inform the owners of land concerned of such transfer, and thereupon, the provisions of this Act and rules made thereunder in so far as they provide for the advancing of loans (including provision for mortgaging of property) and recovery thereof shall apply in relation to the amount of cost to be recovered from each owner of land as they apply in relation to the advancing of loans and recovery thereof (including interest) as if such owner was a member of the State Land Development Bank. The transfer of the rights and liabilities and payment made in accordance therewith shall discharge the owners of lands of their liability to make payment to the State Government under the Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942) but to the extent only of their respective liability accepted by the State Land Development Bank.”

3. *Insertion of new section 26A in Bom. XXVIII of 1942*.—After section 26 of the Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942) the following new section shall be inserted namely:—

“26A. *Effect of transfer of rights and liabilities of Government to State Land Development Bank*—Where rights and liabilities of the State Government in relation to the recovery of cost or part cost of the works carried out under any scheme from any owners of lands included in such scheme stand transferred to the State Land Development Bank under section 143A of the Gujarat Cooperative Societies Act, 1961 (Guj. X of 1962) the rights and liabilities transferred to such Bank shall be entered in the records referred to in sub-section (2) of section 13 or as the case

may be, sub-section (3) of section 13A and notwithstanding anything contained in this Act, every such owner of the land shall pay the amount recoverable from him under this Act to such Bank. The amount of such cost or part cost shall be paid to the State Land Development Bank by, and recovered by such Bank from such owners of lands in accordance with the provisions of section 143A of the Gujarat Cooperative Societies Act, 1961 (Guj. X of 1961) and such payment to or recovery by, the Bank shall discharge the owners of lands of their liability to make payment to the State Government under this Act to the extent of their respective liability accepted by the Bank."

4. *Repeal of Guj. Ord. 4 of 1969.*—The Gujarat Cooperative Societies and the Bombay Land Improvement Schemes (Amendment) Ordinance, 1969 (Guj. Ord. 4 of 1969) is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall apply to such repeal as if that Ordinance were an enactment.

The Bombay Stamp (Gujarat Amendment) Act, 1969

The following Act of the Gujarat Legislature having been assented to by the Governor on the 12th March 1970, was published in the *Gujarat Government Gazette*, Ext. Part IV, No. 2, dated March 13, 1970/Phalguna 22, 1891.

Gujarat Act No. 2 of 1970

An Act further to amend the Bombay Stamp Act, 1958

It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 1969.

2. *Amendment of Schedule I to Bom. LX of 1958.*—In Schedule I to the Bombay Stamp Act, 1958 (Bom. LX of 1958),—

(i) after article 6, the following articles shall be inserted, namely:—

"6A. Alteration of articles of association of a Company under section 97 of the Companies Act, 1956, (1 of 1956) in consequence of increase of the company's share capital, Instrument of—

A sum equal to the duty that would have been leviable under article 10 as though the company's nominal share capital had been, when the company was formed, equal to the total share capital so increased less the sum already paid under article 10.

Exemption.

Instrument of alteration of articles of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (1 of 1956).

6B. Alteration of Memorandum of Association of a Company under section 97 of the Companies Act, 1956 (1 of 1956) in consequence of increase of company's share capital, Instrument of—

(a) if the memorandum of association has been accompanied under section 26 of the Companies Act,

1956 (1 of 1956), by articles of association on the alteration of which duty is paid under article 6A.

Nā

(b) if the memorandum of association has not been so accompanied and the duty is not so paid ;

The same duty as is leviable on the memorandum of association under clause (b) of article 39 as though the company's share capital, when the company was formed, had been equal to the total share capital so increased, less the sum already paid under the said clause (b).

Exemption.

Instrument of alteration of memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (1 of 1956)

(ii) in article 12, in column 2, the words "as set forth in such award" shall be deleted ;

(iii) in article 25—

(a) in column 1 in clause (a), the words "as set forth herein shall be deleted ;

(b) for clause (b) and the explanation, the following shall be substituted, namely :—

"(b) Conveyance (not being a transfer charged or exempted under article No. 59) so far as it relates to immovable property situate within an urban area—

Rs. Ps.

where the amount or value of the consideration for such conveyance does not exceed Rs. 100	6.00
where it exceeds Rs. 100 but does not exceed Rs. 200	12.00
where it exceeds Rs. 200 but does not exceed Rs. 300	18.00
where it exceeds Rs. 300 but does not exceed Rs. 400	24.00
where it exceeds Rs. 400 but does not exceed Rs. 600	36.00
where it exceeds Rs. 600 but does not exceed Rs. 800	48.00
where it exceeds Rs. 800 but does not exceed Rs. 1,000	60.00
and for every Rs 500 or part thereof in excess of Rs. 1000	30.00

Explanation.—For the purpose of clause (b) of this article, "urban area" means any area which is for the time being—

(i) within the limits of a city as defined in clause (8) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), a municipal borough, a notified area, nagar or cantonment or

(ii) within the limits of a village or gram the population of which as ascertained at the last preceding census is 10,000 or more";

(iv) in article 32, in column 2, the words "as set forth in such instrument" shall be deleted;

(v) in article 36, in clauses (b) and (c), in column 1, for the words "for money advanced" the words "for money advanced or to be advanced" shall be substituted;

(vi) in article 37, for the words "Letter of Allotment" the words "Letter of Allotment or Renunciation" shall be substituted;

- (vii) in article 40, in column 1—
 - (a) in clause (a) for the words “is given by the mortgagor or agreed to be given” the words “is or is not given, or is agreed to be given, by the mortgagor” shall be substituted;
 - (b) clause (b) and the Explanation shall be deleted;
- (viii) in article 51, in column 2, the words “as set forth in the conveyance” shall be deleted;
- (ix) in article 52, in column 2, the words “as set forth in the release” shall be deleted;
- (x) in article 61, in column 2, for the words “property concerned as set forth in the instrument” occurring at both the places the words “property which is the subject matter of the trust” shall be substituted.

The Gujarat (Supplementary) Appropriation Act 1970.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 14th March 1970, was published in the *Gujarat Govt. Gazette*, Ext., Part IV, No. 3, dated March 16 1970/Phalguna 25, 1891.

Gujarat Act No. 3 of 1970.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty-first day of March, 1970.

[Remaining text omitted.

Editor.]

The Gujarat Sales Tax Act, 1969.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 12th March 1970, was published in the *Gujarat Govt. Gazette*, Ext., Part IV, No 1, dated March 13, 1970/Phalguna 22, 1891.

Gujarat Act No. 1 of 1970

An Act to consolidate and amend the law relating to the levy of a tax on the sale or purchase of certain goods in the State of Gujarat.

It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

CHAPTER I

1. *Short title extent and commencement.*—(1) This Act may be called the Gujarat Sales Tax Act, 1969.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) Any notification, order or rule may be made, and certificates of Registration, Licences, Recognitions or Permits may be granted or issued under this Act, at any time after the passing thereof; but such notification, order, rule or certificate of Registration, Licence, Recognition or Permit made, granted or issued shall not take effect until the appointed day.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “agricultural” with all its grammatical variations and cognate expressions includes horticulture, the raising of crops, grass or garden produce, and also grazing; but does not include dairy farming, poultry farming, stock breeding or the mere cutting of wood or grass or gathering of fruit;

(2) "agriculturist" means a person who cultivates land personally ;

(3) "appointed day" means the date on which the remaining provisions of this Act shall come into force under sub-section (3) of section 1 ;

(4) "business" includes—

(i) any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture, whether or not such trade, commerce, manufacture, adventure or concern is carried on with a motive to make profit and whether or not any profit accrues from such trade, commerce, manufacture, adventure or concern ; and

(ii) any transaction of buying, selling or supplying plant, machinery, raw material, processing materials, packing materials, empties, consumable stores, waste products, or such other goods, or waste or scrap of any of them which is ancillary or incidental to or resulting from such trade, commerce, manufacture, adventure or concern ;

but does not include any activity in the nature of mere service or profession ;

(5) "Commission agent" means a dealer who *bona fide* buys or sells, for an agreed commission any goods on behalf of principals mentioned in his accounts in respect of each transaction ;

(6) "Commissioner" means the person appointed to be the Commissioner of Sales Tax for the purposes of this Act ;

(7) "to cultivate" with all its grammatical variations and cognate expressions, means to carry on any agricultural operation ;

(8) "to cultivate personally" means to cultivate on one's own account—

(i) by one's own labour, or

(ii) by the labour of one's own family, or

(iii) by servants on wages payable in cash or kind (but not in crop share), or by hired labour under one's personal supervision or the personal supervision of any member of one's family ;

Explanation I.—A widow or a minor, or a person who is subject to any physical or mental disability or is a serving member of the armed forces of the Union, shall be deemed to cultivate land personally if it is cultivated by her or his servants or by hired labour ;

Explanation II.—In the case of a Hindu undivided family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family ;

(9) "declared goods" means declared goods as defined in the Central Sales Tax Act, 1956 (LXXIV of 1956) ;

(10) "dealer" means any person who buys or sells goods in connection with his business ; and includes Central Government, a State Government or any local authority and also any society, club or other association of persons which buys goods from or sells goods to its members or to other persons ;

Exception I.—An agriculturist who sells exclusively agricultural produce grown on land cultivated by him personally, shall not be deemed to be a dealer within the meaning of this clause ;

Exception II.—A charitable, religious or educational institution, carrying on the activity of manufacturing, buying, selling or supplying goods in performance of its functions for achieving its avowed objects, shall not be deemed to be a dealer within the meaning of this clause ;

(11) "earlier law" means any of the following laws, that is to say—

(i) the Bombay Sales Tax Act, 1946 (Bom. V of 1946).

(ii) the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ord. No. III of 1952),

(iii) the Bombay Sales Tax Act, 1953 (Bom. III of 1953),

(iv) the Bombay Sales of Intoxicants Taxation Act, 1953 (Bom. XLVII of 1953),

(v) the Saurashtra Sales Tax Ordinance, 1950 (Sau. Ord. No. XVIII of 1950),

(vi) the Central Provinces and Berar Sales Tax Act, 1947, (C. P. and Berar Act No. XXI of 1947). as extended to the Kutch area of the State of Gujarat, or

(vii) the Bombay Sales Tax Act, 1959, (Bom. LI of 1959).

as amended from time to time and includes enactments which have validated anything done or omitted to be done under these laws ;

(12) "goods" means all kinds of moveable property (not being newspapers or actionable claims, or stocks, shares or securities) and all materials, articles and commodities, including standing timber and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale ;

(13) "importer" means a dealer who brings any goods in to the State, or to whom any goods are despatched from any place outside the State ;

(14) "Licence" means a licence granted under section 31 or, as the case may be, section 36 and includes a Licence deemed to have been granted under this Act ;

(15) "Licensed dealer" means a Registered dealer holding a Licence;

(16) "manufacture" with all its grammatical variations and cognate expressions, means producing, making, extracting, collecting, altering ornamenting, finishing or otherwise processing, treating, or adapting any goods; but does not include such manufactures or manufacturing processes as may be prescribed.

(17) "Permit" means a permit granted to a Commission agent under section 33 and includes a Permit deemed to have been granted under this Act ;

(18) "person" includes any company or association or body of individuals, whether incorporated or not, a society, club or other institution and also a Hindu undivided family, a firm, a local authority, Central Government or a State Government ;

(19) "place of business" includes a ware-house, godown or other place where a dealer stores his goods and any place where he keeps his books of accounts ;

(20) "prescribed" means prescribed by rules ;

(21) "prohibited goods" means the goods described in entries 1 to 25 (both inclusive) in Part A of Schedule II, or in entries 1 to 12 (both inclusive) in Part B of Schedule II or in entries 1 and 2 in Schedule III and such other goods as the State Government may, from time to time, by notification in the Official Gazette, specify, as such ;

(22) "purchase price" means the amount of valuable consideration paid or payable by a person for any purchase made including any sum charged for any thing done by the seller in respect of the goods at the time of or before delivery thereof, other than the cost of insurance for transit or of installation when such cost is separately charged ;

(23) "Recognised dealer" means a Registered dealer who holds a Recognition;

(24) "Recognition" means a Recognition granted under section 32 and includes a Recognition deemed to have been granted under this Act;

(25) "Registered dealer" means a dealer registered under section 29 or 30 and includes a dealer who holds a registration certificate deemed

to have been granted under this Act ;

(26) "resale" for the purposes of sections 7, 8, 10, 13 and 15 means a sale of purchased goods :—

- (i) in the same form in which they were purchased, or
- (ii) without doing anything to them which amounts to, or results in, a manufacture, or
- (iii) being goods specified in entries 1 to 3 in Part A of Schedule II and in entries 1 to 6 in Part B of Schedule II without doing anything to them which takes them out of the description thereof in those entries, and the word "resell" shall be construed accordingly ;

(27) "rules" means rules made under this Act ;

(28) "sale" means a sale of goods made within the State, for cash or deferred payment or other valuable consideration, and includes any supply by a society or club or an association to its members on payment of a price or of fees or subscription, but does not include a mortgage, hypothecation, charge or pledge, and the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions, shall be construed accordingly ;

Explanation.—For the purposes of this clause, sale within the State includes a sale determined to be inside the State in accordance with the principles formulated in sub-section (2) of section 4 of the Central Sales Tax Act, 1958 ; (LXX IV of 1958).

(29) "sale price" means the amount of valuable consideration paid or payable to a dealer for any sale made including any sum charged for anything done by the dealer in respect of the goods at the time of or before delivery thereof, other than the cost of insurance for transit or of installation when such cost is separately charged.

(30) "Schedule" means a Schedule appended to this Act ;

(31) "the State" means the State of Gujarat ;

(32) "tax" means a sales tax, general sales tax, or purchase tax, payable under this Act ;

(33) "taxable goods" means goods other than those on the sale or purchase of which no tax is payable under section 5 or section 49 or a notification issued thereunder ;

(34) "Tribunal" means the Tribunal constituted under section 28 ;

(35) "turnover of purchases" means the aggregate of the amounts of purchase price paid and payable by a dealer in respect of any purchase of goods by him during a given period, after deducting the amount of purchase price, if any, refunded to the dealer by the seller in respect of any goods purchased from the seller and returned to him within the prescribed period ;

(36) "turnover of sales" means the aggregate of the amounts of sale price received and receivable by a dealer in respect of any sale of goods made during a given period after deducting the amount of sale price, if any, refunded by the dealer to a purchaser, in respect of any goods purchased and returned by the purchaser within the prescribed period ; and

(37) "year" means—

(i) in relation to any dealer who maintains regular books of accounts the year by reference to which the accounts are maintained by him ; and

(ii) in relation to any other dealer, a financial year ;

Provided that a registered dealer shall not be entitled to vary the year by reference to which he maintains his books of accounts, except

with the consent of the Commissioner and upon such conditions as the Commissioner may determine.

CHAPTER II

Incidence and Levy of Tax.

3 *Incidence of tax.*—(1) Every dealer whose turnover either of all sales or of all purchases, made during—

(i) the year immediately preceding the year within which the appointed day falls,

or

(ii) the year commencing on the first day of the year within which the appointed day falls, has exceeded or exceeds the relevant limit specified in sub-section (4), shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act on his turnover of sales, and on his turnover of purchases, made on or after the appointed day :

Provided that a dealer to whom sub clause (i) does not apply but sub-clause (ii) applies and whose turnover either of all sales or of all purchases first exceeds the relevant limit specified in sub section (4) after the appointed day shall not be liable to pay tax in respect of sales and purchases which take place upto the time when his turnover of sales, or his turnover of purchases as computed from the first day of the year in which the appointed day falls, first exceeds the relevant limit applicable him under sub section (4).

(2) Every dealer whose turnover, either of all sales or of all purchases made during any year being a year subsequent to the year mentioned in sub-section (1), first exceeds the relevant limit specified in sub-section (4), shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act with effect on and from the first day that year :

Provided that the dealer shall not be liable to pay tax in respect of such sales and purchases as take place during the period commencing on the first day of any such year, upto the time when his turnover of sales or, turnover of purchases as computed from the said first day first exceeds the relevant limit applicable to him under sub-section (4).

(3) Every dealer who has become liable to pay tax under this Act, shall continue to be so liable until his registration is duly cancelled ; and upon such cancellation his liability to pay tax, other than tax already levied or leviable, shall, until his turnover of sales or turnover of purchases again first exceeds the relevant limit specified in sub-section (4), cease :

Provided that, where the dealer becomes liable to pay tax again in the same year in which he ceased to be liable as aforesaid, then, in respect of such sales and purchases as take place during the period commencing on the date of the cessation of liability to tax upto the time when his turnover of sales or of purchases first exceeds the relevant limit applicable to him under sub-section (4), no tax shall be payable.

(4) For the purposes of this section, the limits of turnover shall be as follows :—

(i) Limit of turnover Rs. 20,000	(a) in the case of a dealer, who is an importer, and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000 and the value of any taxable goods brought by him into the State or despatched to him from outside the State during the year exceeds Rs. 3,000 ;
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- | | |
|---------------------------------------|--|
| | OR |
| (i) Limit of turnover
Rs. 20,000. | { (b) in the case of a dealer (other than the one to whom item (a) of clause (ii) applies), who is a manufacturer or who gathers any goods other than agricultural produce as a dealer and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000 and the value of any taxable goods manufactured by him or of any taxable goods other than agricultural produce gathered by him during the year exceeds Rs. 3,000. |
| (ii) Limit of turnover
Rs. 30,000. | { (a) in the case of a dealer of special category, as specified in sub-section (5), who is a manufacturer or who gathers any goods other than agricultural produce as a dealer and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000 and the value of any taxable goods manufactured by him or of such goods other than agricultural produce gathered by him during the year exceeds Rs. 3,000; |
| | OR |
| | { (b) in case of a dealer to whom neither clause (i) nor item (a) of this clause applies and the value of taxable goods sold or purchased by him during the year exceeds Rs. 3,000. |

(5) For the purpose of sub-section (4) a dealer of special category means a dealer who belongs to any one or more of the following categories of dealers, namely:—

- (i) dealers who carry on business of conducting a printing press;
- (ii) dealers who manufacture footwear made by hand without using power at any stage;
- (iii) dealers who are engaged in the process of parching, roasting or salting (with or without adding turmeric) groundnut seeds or groundnut, cereals or pulses;
- (iv) dealers who carry on business of photography;
- (v) dealers who conduct an eating house, restaurant, hotel, refreshment room or boarding establishment or a shop or an establishment conducted primarily for the sale of farsan, sweetmeats, bread, cakes, biscuits and pastries;
- (vi) such class of village artisans and craftsmen engaged in manufacture of products of village industries or handicrafts as the State Government may notify in the Official Gazette;
- (vii) any other class of small manufacturers of craftsmen or class of establishments which the State Government may notify in the Official Gazette.

(6) For the purpose of calculating the limit of turnover for liability to tax:—

(a) except as otherwise expressly provided, the turnover of all sales or, as the case may be, the turnover of all purchases, shall be taken whether such sales or purchases are taxable or not;

(b) the turnover shall include all sales and purchases made by a dealer on his own account, and also on behalf of principals mentioned in his accounts ; and

(c) the value of packing material which is used in packing any goods specified in Schedule I and on which no tax is leviable under sub-section (1) of section 21 shall not be taken into account in computing the value of taxable goods under sub-section (4).

4. *Liability of dealer registered under Act No LXXIV of 1956 to pay tax.*—(1) Notwithstanding anything contained in section 3, a dealer who is registered under the Central Sales Tax Act, 1956, (LXXIV of 1956), but who is not liable to pay tax under the said section 3, shall nevertheless be liable to pay tax—

(a) on sales of goods in respect of the purchase of which he has furnished a declaration under sub-section (4) of section 8 of the Central Sales Tax Act 1956, and

(b) on sales of goods in the manufacture of which the goods so purchased have been used; and accordingly, the provisions of sections 7 to 13 (both inclusive) shall apply to such sales, as they apply to the sales made by a dealer liable to pay tax under section 3:

Provided that the tax under this section shall not be payable if the seller shows to the satisfaction of the Commissioner that the purchaser of goods is a dealer registered under this Act and has furnished to such seller a certificate in the prescribed form declaring inter alia that the goods so sold to him are intended for resale by him or for use by him in the manufacture or processing of any goods for sale.

(2) Every dealer who is liable to pay tax under sub-section (1) shall, for the purposes of sections 40, 41, 43, 44, 45, 46, 47, 56, 57 and 58 be deemed to be a Registered dealer.

5. *Sales and purchases of certain goods free from all tax.*—Subject to the conditions or exceptions (if any) set out against each of the goods specified in column 3 of Schedule I, no tax shall be payable on the sales or purchases of any goods specified in that Schedule.

(2) The State Government may, by notification in the Official Gazette add to, or enlarge, any entry in Schedule I, or relax or omit any condition or exception specified therein; and thereupon, the said schedule shall be deemed to be amended accordingly.

(3) Every notification issued under sub-section (2) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

6. *Taxes payable by a dealer.*—Subject to the provisions of this Act, and to any rules made thereunder there shall be paid by every dealer, who is liable to pay tax under this Act, the tax or taxes leviable in accordance with the provisions of this Chapter.

7. *Levy of sales tax on goods in Schedule II, Part A.*—There shall be levied a sales tax on the turnover of sales of goods specified in Part A of Schedule II at the rate set out against each of them in column 3 thereof, but after deducting from such turnover,—

(i) resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 16,

(ii) resales of goods purchased by him from a Registered dealer,

(iii) sales of goods, or resales of goods to which clauses (i) and (ii) do not apply, to a Recognised dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Recognised

dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in sub-clause (B) and item (ii) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein, and

(iv) sales of goods or resales of goods to which clauses (i) and (ii) do not apply, to a Licensed dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Licensed dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in item (i) of sub-clause (A) and item (i) (a) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein.

8. *Levy of general sales tax on goods in Schedule II Part B.*—There shall be levied a general sales tax on the turnover of sales of goods specified in Part B of Schedule II at the rate set out against each of them in column 3 thereof, but after deducting from such turnover —

(i) resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 16,

(ii) resales of goods, purchased from a Registered dealer by a dealer who is not a Licensed dealer at the time of such purchase, and

(iii) sales of goods, or resales of goods to which clauses (i) and (ii) do not apply, to a Licensed dealer, Recognised dealer or to a Commission agent holding a permit, who purchases on behalf of a principal who is a Licensed dealer or a Recognised dealer, upon such dealer or Commission agent as the case may be furnishing in the circumstances and subject to the conditions specified in section 13, a certificate as provided therein.

9. *Restriction on levy of tax on declared goods.*—In order to ensure that after the date of the coming into force of section 15 of the Central Sales Tax Act, 1956, (LXXIV of 1956) tax shall not be levied on the sales or purchases of declared goods at more than one stage, it is hereby provided that if under this Act, or any earlier law, any tax has been levied or is leviable on the sale or purchase of such goods, then no further tax shall be levied under this Act on any subsequent sale or purchase of thereof accordingly for the purpose of arriving at the taxable turnover of sales or purchases of a dealer, there shall be deducted from his total turnover of sales, or as the case may be, of purchases, the sales or purchases, of such declared goods, as have borne tax at any earlier stage.

10. *Levy of sales tax and general sales tax on goods specified in Schedule III.*—(1) There shall be levied a sales tax on the turnover of sales of goods, specified in Schedule III at the rate set out against each of such goods in column 3 thereof, but after deducting from such turnover,—

(i) resales of goods on the purchase of which the dealer is liable to pay purchase tax under section 16,

(ii) resales of goods purchased by him from a Registered dealer,

(iii) sales of goods, or resales of goods to which clauses (i) and (ii) do not apply, to a Recognised dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Recognised dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in sub-clause (B) and item (ii) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein, and

(iv) sales of goods or resales of goods to which clauses (i) and (ii) do not apply, to a Licensed dealer or to a Commission agent holding a

permit who purchases on behalf of a principal who is a Licensed dealer, upon such dealer or Commission agent as the case may be, furnishing in the circumstances and subject to the conditions specified in item (i) of sub-clause (A) and item (i) (a) of sub-clause (C) of sub-section (1) of section 13, a certificate as provided therein.

(2) There shall be levied a general sales tax on the turnover of sales of goods specified in Schedule III at the rate set out against each of such goods in column 4 thereof, but after deducting from such turnover.—

(i) resales of goods purchased from a Registered dealer, by a dealer who is not a Licensed dealer at the time of such purchase; and
(ii) sales of goods, or resales of goods to which clause (i) does not apply to a Licensed dealer, Recognised dealer or to a Commission agent holding a permit who purchases on behalf of a principal who is a Licensed dealer or a Recognised dealer upon such dealer or Commission agent as the case may be furnishing in the circumstances and subject to the conditions specified in section 13, a certificate as provided therein.

11. *Exclusion or inclusion of certain purchases for the purposes of deduction under section 7, 8 or 10.*—For the purposes of deducting under sections 7, 8 or 10, resales of goods purchased from a Registered dealer from the turnover of sales, the expression “goods purchased from a Registered dealer”—

(1) shall be construed so as not to include the following classes of purchases:—

(a) a purchase of goods if the goods at the time of their purchase were the goods specified in Schedule I;

(b) a purchase of goods from any person whose sale of such goods has been wholly exempted from payment of tax under section 49 or any notification issued thereunder;

(c) a purchase of goods which is not liable to tax by virtue of the provisions of section 87 and

(2) shall be construed so as to include the following classes of purchases:—

(a) a purchase of goods after the appointed day from a Registered dealer, but not being purchases specified in sub-section (1);

(b) a purchase of goods before the appointed day from a dealer registered under the Bombay Sales Tax Act, 1959, (Bom. LI of 1959) but not being the following classes of purchases:—

(i) a purchase of any goods if the goods at the time of their purchase were the goods specified in Schedule A of the said Act;

(ii) a purchase of any goods from any person whose sale of such goods had been wholly exempted from payment of tax under section 41 of the said Act;

(iii) a purchase of any goods which was not liable to tax by virtue of the provisions of section 75 of the said Act;

(iv) a purchase of any goods described in Part II of Schedule B, or Schedule D or Schedule E of the said Act by a dealer holding a Licence under section 23 of the said Act, on the date of such purchase.

12. *Tax payable at a reduced rate on certain sales.*—Where any dealer liable to pay tax under this Act, sells any taxable goods—

(1) to a Licensed dealer, who certifies in the prescribed form—

(a) that the goods will be despatched in the same form in which they were purchased and without doing anything to them which might amount to or result in a manufacture thereof within six months from

the date of purchase, to his own place of business outside the State for sale or for use in the manufacture of goods for sale outside the State, and

(b) that in respect of the said place of business he or his manager or agent at that place is a registered dealer under the Central Sales Tax Act, 1956; (LXXIV of 1956.)

(2) to a Commission agent holding a Permit who certifies in the prescribed form—

(a) that he is registered under the Central Sales Tax Act, 1956, (LXXIV of 1956.) and

(b) that the goods are purchased by him as Commission agent for his principal who is—

(i) the Central Government and that the goods will be despatched on behalf of such Government outside the State, or

(ii) a dealer whose place of business is outside the State and who is registered under the Central Sales Tax Act, 1956 and that the goods will be sold or will be used in the manufacture of goods for sale outside the State by the principal, or

(iii) a Registered dealer having a place of business also outside the State and that such principal or his manager or agent is a registered dealer under the Central Sales Tax Act, 1956 (LXXIV of 1956) and that the goods will be sold or will be used in the manufacture of goods for sale outside the State by such principal, and

(c) that the goods will be despatched outside the State within six months from the date of their purchase by the Commission agent, then, notwithstanding anything contained in section 7, 8 or 10, on such sale of goods to the Licensed dealer or as the case may be, the Commission agent, the dealer shall be liable to pay a sales tax at the rate of three paise in the rupee, or where a lesser rate is specified in any Schedule in respect of those goods at that lesser rate.

13. *No deduction from turnover except on a certificate.*—(1) There shall not be deducted from the turnover of sales, sales of goods to a Licensed dealer, Recognised dealer or to a Commission agent holding a permit purchasing on behalf of his principal, as provided in sections 7, 8 and 10 unless—

(A) the Licensed dealer—

(i) certifies in the prescribed form that the goods are purchased for resale in the course of inter State trade or commerce, or in the course of export out of the territory of India, and that such goods will be so resold within twelve months from the date of such purchase by himself or by another Licensed dealer to whom he resells the goods; or

(ii) certifies in the prescribed form that the goods are intended—

(a) for resale by him otherwise than in the course of inter-State trade or commerce or export out of the territory of India, or

(b) for resale by him in the course of inter-State trade or commerce or export out of the territory of India, within twelve months from the date of such purchase, or

(B) the Recognised dealer certifies in the prescribed form, that the goods other than prohibited goods sold to him are goods purchased by him for use by him as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale by him; or

(C) the Commission agent certifies in the prescribed form that the goods are purchased on behalf of his principal who—

(i) is a Licensed dealer—

(a) and the goods will be resold either by the principal himself or by another Licensed dealer to whom that principal will sell the goods in the course of inter-State trade or commerce, or in the course of export out of the territory of India within twelve months from the date of their purchase by the Commission agent, or

(b) who will resell the goods —

(i) otherwise than in the course of inter-State trade or commerce or export out of the territory of India, or

(ii) in the course of inter-State trade or commerce or export out of the territory of India, within twelve months from the date of such purchase, or

(ii) is a Recognised dealer, and the goods purchased being goods other than prohibited goods will be used by the principal as raw or processing materials or as consumable stores in the manufacture of taxable goods for sale,

and that the Commission agent will despatch the goods to his principal or to the principal's order within three months from the date of their purchase by the Commission agent.

(2) Where a Licensed dealer or a Commission agent has given a certificate as required by clause (A) (i) or as the case may be, clause (C) (i)(a), of sub-section (1) and the goods specified in the certificate are sold to another Licensed dealer, the Licensed dealer, to whom the goods are sold shall, when he resells the goods send to the first mentioned Licensed dealer or, as the case may be, the Commission agent, a certificate in the prescribed form stating inter-alia whether goods were resold in the course of inter-State trade or commerce or in the course of export out of the territory of India and the date on which the goods were so resold.

14. *Commission agent to send copy of certificate to principal*—Where a Commission agent purchases any goods under certificate given by him under section 12 or 13 he shall simultaneously send a copy of such certificate to his principal.

15. *Purchase tax payable on certain purchases of goods*.—Where a dealer who is liable to pay tax under this Act purchases any goods specified in Schedule II or III from a person who is not a Registered dealer, then, unless the goods so purchased are resold by the dealer, there shall be levied, subject to the provisions of section 9,—

(i) in the case of goods specified in Schedule II, a purchase tax on the turnover of such purchases at the rate set out against them in that Schedule, and

(ii) in the case of goods specified in Schedule III a purchase tax on the turnover of such purchases at a rate equivalent to the rate of sales tax set out against them in that Schedule.

16. *Liability to purchase tax for contravention of terms of certificates etc.*—(1) Where any dealer or Commission agent has purchased any taxable goods under a certificate given by him under section 12 or 13, and

(a) contrary to such certificate, the goods are used for another purpose, or are not resold or despatched in the manner and within the period certified, or

(b) on the resales in the course of inter-State trade or commerce, of the goods so purchased, no tax under the Central Sales Tax Act, 1956 (LXXIV of 1956) is actually payable by him on account of any deduction admissible under any of the provisions of the said Act, then such dealer or Commission agent shall be liable to pay tax on the purchase price of the goods purchased under such certificate; and accordingly, he shall include the the purchase price thereof in his turnover of purchases in his declaration or return under section 40 which he is to furnish next thereafter.

(2) If, in respect of any transaction by a Commission agent made under a certificate given by him under section 12 or 13, the Commission agent—

(a) purchases the goods at one rate, and passes them on to his principal at an increased rate (such increase not being by reason only of his commission or packing, carriage, freight or insurance of the goods and other reasonable charges incidental to their despatch or charged according to trade practice), or.

(b) acts for a non-existent principal, the Commission agent shall be liable to pay purchase tax on the purchase price of the goods so purchased, and accordingly he shall include the purchase price in his turnover of purchases in his declaration or return under section 40 which he is to furnish next thereafter.

(3) The purchase tax leviable under this section in respect of any goods specified in Schedule II or III shall be the aggregate of all taxes which would have been leviable thereon but for the certificate given under section 12 or 13.

(4) If any question arises whether the purchase price of goods purchased under a certificate given under section 12 or 13 is not liable to be included in the turnover of purchases of a dealer or Commission agent under this section, the burden of so proving shall be upon such dealer, or as the case may be, the Commission agent.

17. *Joint and several liability of Commission agent and principal in respect of goods purchased on behalf of principal.*—(1) Where a Commission agent purchases any taxable goods on behalf of his principal, such Commission agent and his principal shall both be jointly and severally liable to pay the tax or taxes, if any, payable under section 15, 16 or 18 as the case may be and nothing in sections 15, 16 and 18 shall affect the liability of the principal under this section.

(2) If the Commission agent shows to the satisfaction of the Commissioner that the tax payable by him under section 15, 16 or 18 as the case may be in respect of any goods, has been paid by the principal on whose behalf the goods were purchased, the Commission agent shall not be liable to pay the tax again in respect of the same transaction.

18. *Levy of sales tax or purchase tax on sugarcane.*—(1) There shall be levied a sales tax or purchase tax on the turnover of sales or as the case may be, turnover of purchases, of sugarcane sold or purchased for such purposes and at such rate not exceeding ten paise in the rupee and at such one stage as the State Government may, by notification in the Official Gazette, specify; and the seller or purchaser, as the case may be, shall be liable to pay tax on such turnover notwithstanding anything contained in section 3.

(2) Every person who is liable to pay tax under sub-section (1) shall, unless he is already a registered dealer, be deemed to be a registered dealer for the purposes of sections 40, 41, 47, 57 and 58 and a dealer for the purposes of sections 43, 44, 45, 46 and 56.

19. *Liability to pay tax on sale or purchase in contravention of section 18.*—(1) Where sugarcane purchased for a purpose other than a purpose specified in the notification issued under section 18 is used for a purpose specified in such notification, the purchaser shall be liable to pay the tax leviable under section 18 on the purchase price of the sugarcane so purchased and used.

(2) If the Commissioner has reason to believe that any person has incurred liability to pay tax under sub-section (1), he shall serve on the purchaser a notice requiring him on a date and at a place specified

therein, either to attend and produce or cause to be produced all evidence on which the purchaser relies in connection with his liability under this section or to produce such evidence, as is specified in the notice. On the date specified in the notice or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess to the best of his judgment, the amount of tax due from him.

20. *Liability to purchase tax on certain stocks of goods.*—(1) Where a dealer, liable to pay tax under this Act,—

- (a) dies, or
 - (b) transfers or otherwise disposes of his business, or effects any change in the ownership thereof, or
 - (c) is a firm, company, society or other association of persons, or a trust, which is dissolved, liquidated, wound up, or revoked, or
 - (d) is a Hindu undivided family, and the family is partitioned, or
 - (e) discontinues his business,
- and the stock of goods held by such dealer immediately before the death transfer, disposal, change, dissolution, winding up, revocation, partition or discontinuance, as the case may be includes—

(i) taxable goods purchased by him from a person who is not a Registered dealer, or

(ii) taxable goods purchased by him on a certificate given by him under section 12 or 13 or on a certificate given by him under section 49, then there shall be levied a purchase tax on the purchase price of such taxable goods at the relevant rate of purchase tax applicable thereto, as if the dealer had become liable to pay purchase tax on such goods under section 15, 16 or 50 as the case may be :

Provided that, where the business carried on by such dealer is continued after such death transfer, disposal, change, dissolution, liquidation, winding up, revocation or partition as the case may be, and the person carrying on such business shows to the satisfaction of the Commissioner that,—

(a) any taxable goods referred to in sub-clause (i) have been resold, or

(b) any taxable goods referred to in sub-clause (ii) have been used for the purpose certified or, as the case may be, resold or despatched in the manner and within the period certified, then in respect of such goods, no purchase tax shall be levied under this section.

(2) Where the certificate of registration issued to a dealer is cancelled on the ground that in the previous year his turnover of purchases or his turnover of sales did not exceed the relevant limit applicable to him under sub-section (4) of section 3 and the stock of goods held by him immediately before such cancellation includes taxable goods purchased by him on a certificate given under section 12, 13 or 49, there shall be levied on the purchase price of such goods a purchase tax which shall be calculated at the relevant rate of purchase tax applicable thereto under section 15 or under sub-section (3) of section 16, or as the case may be, under section 50.

21. *Rate of tax on packing materials.*—Notwithstanding anything contained in sections 7, 8, 10, 15 and 16—

(1) where goods packed in any materials are sold or purchased, the materials in which the goods are so packed shall be deemed to have been sold or purchased along with the goods and the tax shall be leviable on such sale or purchase of the materials at the rate of tax, if any, as

applicabile to the sales, or as the case may be, purchases of the goods themselves;

(2) where any packing material is purchased on a certificate under section 13 for resale as packing material but is used in packing any tax-free goods and the goods so packed are sold, then in respect of the material in which the goods are so packed, the tax shall be leviable on the sale of such packing material at the rate applicable thereto under the relevant Schedule, as if the material were sold separately.

22' Commission agent liable to tax for sales on behalf of principal.—

(1) Where a Commission agent sells any taxable goods on behalf of his principal, such Commission agent and his principal shall both be jointly and severally liable to pay the tax or taxes on the turnover of such sales under section 6.

(2) If the principal, on whose behalf the Commission agent, has sold goods, shows to the satisfaction of the Commissioner that the tax has been paid by his Commission agent on such goods under sub-section (1), the principal shall not be liable to pay the tax again in respect of the same transaction.

33. Power to reduce rate of tax and to amend Schedules.—(1) The State Government may by notification in the Official Gazette reduce any rate of tax specified in the Schedule II or III in respect of any entry (or part thereof) in the said Schedules; and may, by like notification,—

(a) omit or amend any entry (or part thereof) in the said Schedules but not so as enhance the rate of tax in any case;

(b) transpose any entry (or part thereof) from one of the said Schedules to another;

(c) transpose any entry (or part thereof) from Part A to Part B of Schedule II or vice versa;

and thereupon, the Schedule shall be deemed to have been amended accordingly.

(2) Every notification issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

*24. No deductions under sections 7, 8 and 10 in certain cases.—*Where any entry (or part thereof) in any Schedule is transposed to any other Schedule or any entry (or part thereof) is transposed from Part A to Part B of Schedule II or vice-versa, and as a result of such transposition and no account of the deductions permitted under section 7, 8 and 10; no tax on any sale or purchase of the goods specified in that entry (or part thereof) be leviable, then notwithstanding anything contained in those sections, the deductions provided in clause (ii) of section 7; or clause (ii) of section 8 or as the case may be clause (ii) of sub-section (1) of section 10 or clause (i) of sub-section (2) of that section, shall not apply to the resale of those goods.

*25. Liability of firm.—*Notwithstanding any contract to the contrary, where any firm is liable to pay tax under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment:

Provided that, where any such partner retires from the

firm he shall intimate the date of his retirement to the Commissioner by a notice in that behalf in writing and he shall be liable to pay the tax and the penalty (if any) remaining unpaid at the time of his retirement and any tax due up to the date of retirement though unassessed at that date:

Provided further that where no such intimation is given within fifteen days from the date of retirement the liability of the partner under the first proviso shall continue until the date on which such intimation is received by the Commissioner.

26 Special Provision regarding liability to pay tax in certain cases.—

(1) Where a person who is or has been a dealer, liable to pay tax under this Act, dies, then,

(a) if the business carried on by the dealer is continued after his death by his legal representative or any other person, such legal representative or other person, shall be liable to pay the tax including any penalty due from such dealer under this Act or under any earlier law, and

(b) if the business carried on by the dealer is discontinued, whether before or after his death, his legal representative shall be liable to pay out of the estate of the deceased, to the extent to which the estate is capable of meeting the charge, the tax (including any penalty) due from such dealer under this Act or under any earlier law,

whether such tax (including any penalty) has been assessed before his death but has remained unpaid or is assessed after his death.

(2) Where a dealer, liable to pay tax under this Act, is a Hindu undivided family, and the joint family property is partitioned amongst the various members or groups of members then each member or group of members shall be jointly and severally liable to pay the tax (including any penalty) due from the dealer under this Act or under any earlier law upto the time of the partition whether such tax (including any penalty) has been assessed before partition but has remained unpaid or is assessed after partition.

(3) Where a dealer, liable to pay tax under this Act is a firm, and the firm is dissolved, then every person who was a partner shall be jointly and severally liable to pay to the extent to which he is liable under section 25, the tax (including any penalty) due from the firm under this Act or under any earlier law, up to the time of dissolution, whether such tax (including any penalty) has been assessed before such dissolution but has remained unpaid, or is assessed after dissolution.

(4) Where a dealer, liable to pay tax under this Act, transfers his business in whole or in part, by sale, lease, leave or licence, hire or in any other manner whatsoever, the dealer and the person to whom the business is transferred shall jointly and severally be liable to pay the tax (including any penalty) due from the dealer under this Act or under any earlier law upto the time of such transfer, whether such tax (including any penalty) has been assessed before such transfer, but has remained unpaid or is assessed thereafter.

(5) Where the dealer liable to pay tax under this Act,—

(a) is the guardian of a ward on whose behalf the business is carried on by the guardian, or

(b) is a trustee who carries on the business under a trust for a beneficiary, then, if the guardianship or trust is terminated, the ward or as the case may be, the beneficiary shall be liable to pay the tax (including any penalty) due from the dealer upto the time of the termination of the guardianship or trust, whether such tax (including any penalty)

has been assessed before the termination of the guardianship or trust but has remained unpaid or is assessed thereafter.

(6) Where a person becomes liable to pay tax in the manner described in clause (a) of sub-section (1) or in sub-section (4), then, such person shall notwithstanding anything contained in section 3, be liable to pay tax on the sales or purchases of goods made by him on and after the date of such succession or transfer and shall (unless he already holds a certificate of registration) within thirty days thereof apply for registration :

Provided that, where such person resells any goods purchased by the dealer while carrying on business before such succession or transfer he shall be entitled to such deductions in respect thereof as are permissible under section 7, 8 or 10, as the case may be, had the resale been effected by the dealer himself.

CHAPTER III.

Sales Tax Authorities and Tribunal.

27. *Sales Tax Authorities* —(1) For carrying out the purposes of this Act, the State Government shall appoint an officer to be called the Commissioner of Sales Tax.

(2) To assist the Commissioner in the execution of his functions under this Act, the State Government may appoint Additional Commissioners of Sales Tax (if any) and such number of,—

- (a) Deputy Commissioners,
- (b) Assistant Commissioners,
- (c) Sales Tax Officers, and
- (d) other officers and persons, and give them such designations (if any), as the State Government thinks necessary.

(3) The Commissioner shall have jurisdiction over the whole of the State of Gujarat; and an Additional Commissioner of Sales Tax, if any be appointed, shall have jurisdiction over the whole of the State or where the State Government so directs, over any local area thereof. All other officers shall have jurisdiction over the whole of the State or over such local areas as the State Government may specify.

(4) The Commissioner shall have and exercise all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act, and an Additional Commissioner, if any be appointed, shall, save as otherwise directed by the State Government have and exercise within his jurisdiction all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act.

(5) A Deputy Commissioner shall have and exercise in the area within his jurisdiction all the powers, and shall perform all the duties, conferred or imposed on the Commissioner, by or under this Act; but the Commissioner may, by order published in the Official Gazette, direct that any Deputy Commissioner, or all Deputy Commissioners generally, shall not exercise such powers or perform such duties as are specified in the order and thereupon such Deputy Commissioner or as the case may be all Deputy Commissioners, shall cease to exercise those powers and perform those duties. The Commissioner may in like manner revoke any such direction and thereupon the powers or duties exercisable or performable by such Deputy Commissioner or, as the case may be, all Deputy Commissioners before such direction was issued, shall be restored to him or them.

(6) Assistant Commissioners, Sales Tax Officers and other Officer shall within their jurisdiction exercise such of the powers and perform such of the duties of the Commissioner under this Act, as the Commi-

ssioner may, subject to such conditions and restrictions as the State Government may by general or special order impose, by order in writing delegate to them either generally or as respects any particular matter or class of matters.

(7) The State Government may, subject to such restrictions and conditions (if any), as it may impose by notification in the Official Gazette, delegate to the Commissioner the powers (not being powers relating to the appointment of Additional Commissioners or Deputy Commissioners), conferred on the State Government by sub-sections (2) and (3).

(8) All officers and persons appointed under sub-section (4) shall be subordinate to the Commissioner; and the subordination of officers (other than the Commissioner), and of persons amongst themselves shall be such as may be prescribed.

28. *Tribunal*—(1) The State Government shall constitute a Tribunal consisting of as many members as it thinks fit to discharge the functions conferred on the Tribunal by or under this Act.

(2) The State Government shall appoint one of the members of the Tribunal to be the President thereof.

(3) The qualifications of the members constituting the Tribunal shall be such as may be prescribed and a member shall hold office for such period as the State Government may fix in his case.

(4) The State Government may terminate the appointment of any member of the Tribunal before the expiry, of the term of his office if such member—

(a) is adjudged an insolvent, or

(b) engages during his term of office in any paid employment outside the duties of his office, or

(c) is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the State Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member, or

(d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or

(e) is convicted of an offence involving moral turpitude.

(5) Any vacancy in the membership of the Tribunal shall be filled up by the State Government as soon as practicable.

(6) The functions of the Tribunal may be discharged by one or more Benches thereof constituted in accordance with the regulations made under sub-section (9).

(7) If the members of the Tribunal or a Bench thereof are divided the decision shall be the decision of the majority, if there be a majority; but if the members are equally divided they shall state the point or points on which they differ, and the case shall be referred by the President of the Tribunal for hearing on such point or points to one or more of the other members of the Tribunal; and such point or points shall be decided according to the majority of the members of the Tribunal who heard the case including those who first heard it.

(8) Subject to such conditions and limitations as may be prescribed, the Tribunal shall have power to award costs and the amount of such costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue.

(9) Subject to the previous sanction of the State Government the Tribunal shall, for the purpose of regulating its procedure (including the

place or places at which the Tribunal or the Benches thereof shall sit) and the disposal of its business, make regulations consistent with the provisions of this Act and the rules.

(10) The regulations made under sub-section (9) shall be published in the Official Gazette.

CHAPTER IV

Registrations, Licences Recognitions and Permits

29. *Registration.*—(1) No dealer shall, while being liable to pay tax under section 3 or under sub-section (6) of section 26, carry on business as a dealer unless he possesses a valid certificate of registration as provided by this Act:

Provided that the provisions of this sub-section shall not be deemed to have been contravened if the dealer having applied for such registration as in this section provided, within the prescribed time or, as the case may be, within the period specified in sub-section (6) of section 26, carries on such business.

(2) Every dealer, required by sub-section (1) to possess a certificate of registration, shall apply in the prescribed manner to the prescribed authority.

(3) If the prescribed authority is satisfied, that an application for registration is in order, it shall register the applicant and issue to him a certificate of registration in the prescribed form.

(4) The prescribed authority may, after considering any information furnished under any provisions of this Act or otherwise received amend, from time to time, any certificate of registration.

(5) When any dealer has been subjected or is liable to be subjected to a penalty under section 45 or is convicted under section 75 or has compounded an offence under section 81 in respect of any contravention of sub-section (1), the prescribed authority shall register such dealer if such dealer is not a registered dealer, and issue to him a certificate of registration and such registration shall take effect from the date of the issue of the certificate in every respect as if it had been issued under sub-section (3) on the dealer's application.

(6) If any person upon an application made by him has been registered as a dealer under this section and thereafter it is found that he ought not to have been so registered under the provisions of this section, either because he is not a dealer or because he is not liable to pay tax, he shall be liable to pay tax on his sales or purchases made during the period commencing on the date on which his registration certificate took effect and ending with its cancellation, notwithstanding that he may not be liable to pay-tax under the provisions of this Act.

(7) Where—

(a) any business, in respect of which a certificate of registration has been issued under this section, has been discontinued or transferred, or

(b) neither the turnover of sales nor the turnover of purchases of a dealer has during the preceding year exceeded the relevant limit specified in sub-section (4) of section 3.

and the dealer applies in the prescribed manner for cancellation of his registration the prescribed authority shall cancel the registration with effect from such date as it may fix in accordance with the rules:

Provided that where the Commissioner is satisfied that any business in respect of which a certificate has been issued under this section.

has been discontinued and the dealer has failed to apply as aforesaid for cancellation of registration, the Commissioner may, after giving the dealer a reasonable opportunity of being heard, cancel the registration with effect from such date as he may fix to be the date from which the business has been discontinued:

Provided further that, the cancellation of a certificate of registration on an application of the dealer or otherwise, shall not affect the liability of the dealer to pay the tax (including any penalty due for any period prior to the date of cancellation whether such tax (including any penalty) is assessed before the date of cancellation but remains unpaid, or is assessed thereafter or his liability to pay tax as provided in section 20.

30. *Voluntary Registration of dealers.*—(1) If on the application of any dealer having a fixed or regular place of business in the State, for registration under this section, the authority prescribed for the purpose of section 29 is satisfied that his gross turnover of sales or purchases during a year has exceeded or is likely to exceed Rs. 5,000, the said authority, may, notwithstanding that the dealer may not be liable to pay tax under section 3, register the dealer and grant him a certificate of registration in the prescribed manner.

(2) The provisions of sub section (3) and (4) and clause (a) of sub-section (7) of section 29 shall apply in respect of applications for registration under this section.

(3) Every dealer who has been registered upon application made under this section shall, so long as his registration remains in force be liable to pay tax under this Act, notwithstanding anything contained in section 3.

(4) The registration of a dealer upon application made under this section shall be in force for a period of not less than one complete year and shall remain in force thereafter unless cancelled under the provisions of this Act.

(5) Subject to the provisions of sub-section (4), a dealer registered upon application made under this section may apply in prescribed manner not less than two months before the end of a year to the authority which granted him the certificate of registration for the cancellation of such registration to take effect at the end of the year in which the application for such cancellation is made and the said authority shall, unless the dealer is liable to pay tax under section 3 cancel the registration accordingly.

31. *Licences* —Where during the previous or current year,—

(a) the turnover of sales by a Registered dealer to other Registered dealers or

(b) the turnover of sales of a Registered dealer, of goods which are exported by him from the State outside the territory of India, or despatched by him from the State to any place in India outside the State,

exceeds thirty thousand rupees, he may apply for a Licence to the Commissioner. Subject to the provisions of section 34, the Commissioner shall if the dealer satisfies such further requirements (including the furnishing of adequate security) as may be prescribed, issue to him a Licence in such form, and subject to such conditions, as may be prescribed.

Explanation.—Where a Registered dealer has, during the year immediately preceeding the year within which the appointed day falls or

the year commencing on the first day of the year within which the appointed day falls, been a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) and the turnover of sales made by him during any such year to other dealers registered under that Act, or the turnover of sales made by him during any such year of goods which were exported or despatched by him to a destination referred to in clause (b) had exceeded thirty thousand rupees, he may also apply under this section for a Licence to the Commissioner and the Commissioner shall issue to him a Licence in the manner aforesaid.

32. *Recognitions.*—Where during the previous or current year, the value of all taxable goods manufactured for sale, by a dealer registered under section 29 or by a dealer registered under section 30, whose turnover of sales or purchases has subsequently, exceeded the limits specified in sub-section (4) of section 2, exceeds Rs. 3,000 such dealer may apply for Recognition to the Commissioner. Subject to the provisions of section 34, the Commissioner shall issue to him a Recognition in such form, and on such conditions, as may be prescribed.

Explanation.—Where a Registered dealer has, during the year immediately preceding the year within which the appointed day falls or the year commencing on the first day of the year within which the appointed day falls, been a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959.) and the value of all taxable goods manufactured in any such year for sale by him had exceeded Rs. 3,000 he may also apply for a Recognition to the Commissioner and the Commissioner shall issue to him a Recognition in the manner aforesaid.

33. *Permits.*—A Registered dealer, who *bona fide* buys for an agreed commission any goods on behalf of a principal mentioned in his account in respect of each transaction and whose turnover of such purchases during the previous year or current year exceeds thirty thousand rupees, may apply for a Permit to the Commissioner. Subject to the provisions of section 34, the Commissioner shall issue to him a Permit in such form, and subject to such conditions, as may be prescribed.

Explanation.—Where a Registered dealer has, during the year immediately preceding the year within which the appointed day falls or the year commencing on the first day of the year within which the appointed day falls, been a dealer registered under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959). and who *bona fide* bought for an agreed commission any goods on behalf of a principal mentioned in his account in respect of each transaction and whose turnover of such purchases has exceeded thirty thousand rupees in any such year; he may also apply under this section for a Permit to the Commissioner and the Commissioner may issue to him a Permit in the manner aforesaid.

34. *Commissioner may refuse Licence etc.*—The Commissioner may refuse to grant a Licence or Recognition or as the case may be, Permit to a dealer under any of the following circumstances, that is to say,—

(a) if a Licence, Recognition or, as the case may be, Permit previously granted under this Act or a Licence, Authorisation, Recognition, or as the case may be, Permit granted under the Bombay Sales Tax Act, 1959, (Bom. LI of 1959), to such dealer, has been cancelled in the circumstances other than those referred to in sub-section (1) of section 35.

(b) if the dealer's Licence, or Recognition, or as the case may be, Permit has been suspended and the period of suspension has not expired.

(c) if the dealer—

- (i) has failed to pay any tax (including any penalty) due from him by or under any provisions of this Act, or any earlier law ; or
- (ii) has failed without sufficient cause to furnish any declaration or return required to be furnished by or under provisions of this Act (other than the provisions of section 61), or any earlier law ; or
- (iii) is an undischarged insolvent ; or
- (iv) has been convicted of an offence under this Act or any earlier law,

(d) if the dealer is a firm, and any partner thereof is a person,—

- (i) whose Licence, Authorization, Recognition or Permit has been cancelled in the circumstances referred to in clause (a), or
- (ii) to whom a Licence, Recognition or Permit, was previously refused in the circumstances referred to in clause (c).

35. *Cancellation or suspension of Licence etc.*—(1) If—

(a) the registration of a Licensed dealer Recognised dealer or Commission agent holding a Permit is cancelled ; or

(b) in any year,—

(i) the turnover of sales of a Licensed dealer or as the case may be, the turnover of purchases of a Commission agent holding a Permit fails to exceed the amount requisite for the grant of a Licence, or Permit, or,

(ii) the value of taxable goods manufactured for sale by a Recognised dealer fails to exceed the amount requisite for the grant of a Recognition ; or

(c) the Licensed dealer, Recognised dealer or Commission agent holding a Permit does not wish to continue to have a Licence, Recognition or Permit,

then, in the circumstances stated—

(i) in clause (a), the dealer shall forthwith,

(ii) in clause (b), the dealer shall within thirty days from the end of such year, and

(iii) in clause (c), the dealer may at any time, present his Licence, Recognition or Permit to the Commissioner for cancellation and the Commissioner shall cancel the Licence, Recognition or, as the case may be, Permit ; and accordingly, in the circumstances stated in clause (a) the Licence, Recognition or Permit shall stand cancelled from the date of the cancellation of the registration and in any other case it shall cease to have effect from the date of presentation for cancellation

(2) If a Licensed dealer, Recognised dealer or Commission agent holding a Permit—

(a) fails to pay any tax (including any penalty) due from him under any provisions of this Act, or of any earlier law, or

(b) contravenes or has contravened any provisions of this Act or the rules or any conditions of his Licence, Recognition or Permit, or

(c) becomes an insolvent, or

(d) has been convicted of an offence under this Act, or any earlier law,

the Commissioner may, after giving the Licensed dealer, or Recognised dealer or as the case may be, Commission agent a reasonable opportunity of being heard, suspend the Licence Recognition or as the case may be, Permit, for such period as he thinks fit or cancel it.

36. *Substitution of Licence under Bombay Sales Tax Act, 1959 by a fresh Licence.*—(1) Every Registered dealer whose Licence issued under the Bombay Sales Tax Act, 1959 (Bom LI of 1959) (hereinafter in this section referred to as the existing Licence) is deemed to be a Licence under clause (b) of sub-section (2) of section 88 of this Act, shall obtain from the Commissioner, a fresh Licence.

(2) An application for the purpose of obtaining a fresh Licence under sub-section (1) shall be made by a dealer in the prescribed form and within the prescribed period, to the Commissioner and such application shall be accompanied by a copy of the existing Licence. The dealer shall produce the Licence held by him, together with the additional copies thereof, if any, which were issued to him, before the Commissioner when he is asked to do so.

(3) On receipt of such application, the Commissioner shall, subject to the provisions of this Act, grant a fresh Licence to such dealer and endorse the fact of such grant of fresh Licence on the existing Licence and on the additional copies thereof, if any, produced before him.

Provided that where the existing Licence was issued on the dealer's furnishing any security, the dealer shall be liable to furnish fresh security in accordance with the rules for obtaining a fresh Licence under this section.

(4) Where the dealer fails to make an application required to be made under sub-section (2), the existing Licence shall stand cancelled from the date of the expiry of the period prescribed under sub-section (2) and the dealer shall forthwith present the same to the Commissioner for cancellation.

37. *Non-transferability of Registration, Licence, etc.*—Save as otherwise provided in section 39, a certificate of registration, Licence, Recognition or Permit shall be personal to the dealer to whom it is granted, and shall not be transferable.

38. *Information to be furnished regarding changes in business, etc.*—If any dealer liable to pay tax under this Act—

(a) transfers his business, in whole or in part, by sale, lease, leave or licence, hire or in any other manner whatsoever, or otherwise disposes of his business or any part thereof, or effects or knows of any other change in the ownership of the business, or

(b) discontinues his business or, changes the place thereof or opens a new place of business, or

(c) Changes the name of his business, or

(d) enters into a partnership or other association in regard to his business,

he shall, within the prescribed time, inform the prescribed authority accordingly; and where any such dealer dies, his executor, administrator or other legal representative, or where any such dealer is a firm and there is a change in the constitution of the firm or the firm is dissolved, every person who was a partner thereof, shall, in like manner, inform the said authority of such death, change in the constitution or, as the case may be, dissolution.

39. *Certificate of registration, Licence etc., to continue in certain circumstances.*—Where a Registered dealer—

(a) effects a change in the name of his business, or

(b) is a firm, and there is a change in the constitution of the firm without dissolution thereof, or

(c) is a trustee of a trust, and there is change in the trustees thereof,

or

(d) is a guardian of a ward, and there is a change in the guardian, or

(e) is a Hindu undivided family and the business of such family is converted into a partnership business with all or any of the coparceners as partners thereof,

then, merely by reason of any of the circumstances aforesaid, it shall not be necessary for the dealer, or the firm with the changed constitution, or the new trustees, or new guardian or as the case may be, the partners of such partnership business, to apply for a fresh certificate of registration and on information being furnished in the manner required by section 38, the certificate of registration shall be amended; and any Licence, Recognition or Permit granted to the Registered dealer prior to any such change as is mentioned aforesaid shall, subject to the provisions of section 35, also continue to be valid, as also any certificates given under section 12 or 13 under such Licence, Recognition or Permit.

CHAPTER V

Declarations, Returns, Assessments, Payments, Penalty and Recovery and Refund of Tax.

40. *Declarations and Returns.*—(1) Every Registered dealer shall furnish declarations or returns for such period, by such dates, and to such authority, as may be prescribed :

Provided that the Commissioner may, subject to such terms and conditions as may be prescribed, exempt any such dealer from furnishing such declarations or returns or permit any such dealer,—

(a) to furnish them for such different periods, or

(b) to furnish a consolidated declaration or return relating to all or any of the places of business of the dealer in the State for the said period, or for such different periods to such authority, as he may direct.

(2) If the Commissioner has reason to believe—

(a) that the turnover of sales or the turnover of purchases of any dealer is likely to exceed the relevant limit specified in sub-section (4) of section 3 for liability to pay tax, or

(b) that either the turnover of sales or the turnover of purchases of any dealer has during any year exceeded—

(i) Rs. 15,000 in the case of a dealer who is an importer or manufacturer other than a dealer of special category specified in sub-section (5) of section 3, or

(ii) Rs. 25,000 in the case of any other dealer, he may, by notice served in the prescribed manner, require such dealer to furnish declarations or returns as if he were a Registered dealer; but no tax shall be payable by such dealer, unless his turnover exceeds the relevant limit specified in sub-section (4) of section 3, nor otherwise than in accordance with the other provisions of this Act.

(3) If any dealer having furnished declarations or returns under sub-section (1) or (2), discovers any omission or incorrect statement therein, he may furnish a revised declaration or return before the expiry of three months next following the last date prescribed for furnishing the original declaration or return.

41. *Assessment of taxes.*—(1) The amount of tax due from a Registered dealer shall be assessed separately for each year during which he is liable to pay the tax or, on an application by any such dealer to that effect, for such period exceeding one year during which he is so liable as is specified in the application :

Provided that when such dealer fails to furnish any declaration or return relating to any period of any year by the prescribed date, the Commissioner may, if he thinks fit, assess the tax due from such dealer separately for different parts of such year :

Provided further that the Commissioner may, subject to such conditions as may be prescribed, and for reasons to be recorded in writing, assess the tax due from any dealer during a part of a year.

(2) If the Commissioner is satisfied that the declarations or returns furnished in respect of any period are correct and complete, he shall assess the amount of tax due from the dealer on the basis of such declarations or returns.

(3) If the Commissioner is not satisfied that the declarations or returns furnished in respect of any period are correct and complete, and he thinks it necessary to require the presence of the dealer or the production of further evidence, he shall serve on such dealer in the prescribed manner a notice requiring him on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which such dealer relies in support of his declarations or returns, or to produce such evidence as is specified in the notice.

On the date specified in the notice, or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess the amount of tax due from the dealer.

(4) If a dealer fails to comply with the terms of any notice issued under sub-section (3), the Commissioner shall assess, to the best of his judgment, the amount of tax due from him.

(5) If a dealer does not furnish declarations or returns in respect of any period by the prescribed date, the Commissioner shall, after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of tax (if any) due from him.

(6) If the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period, but has failed to apply for registration within time as required by section 29, the Commissioner shall, after giving him a notice in the prescribed form for a reasonable opportunity of being heard, assess to the best of his judgment, the amount of tax (if any) due from the dealer in respect of such period, and any period subsequent thereto.

(7) Notwithstanding anything contained in this section, if a dealer liable to pay tax has not employed regularly any method of accounting or if in the opinion of the Commissioner, assessment cannot be made properly on the basis of the accounts maintained by a dealer, the Commissioner shall assess to the best of his judgment, the amount of tax due from such dealer.

(8) Any assessment made under this section shall be without prejudice to any penalty, or prosecution for an offence, under this Act.

42. *Time limit for completion of assessments.*—(1)(a) No order of assessment for a year or part of a year shall be made under sub-section (3) or (4) of section 41 at any time after the expiry of three years from the end of the year in which the last monthly, quarterly or as the case may be, annual return is filed.

(b) Where the Commissioner issues a notice under sub-section (6) of section 41 to any dealer for assessment of tax in respect of any period, no order of assessment shall be made for such part of the period, if any, as is prior to:—

(i) a period of eight years ending on the last date of the year immediately preceding the year in which such notice is issued, in a case

where the Commissioner has reason to believe that such dealer has failed to apply for registration with intention to defraud Government revenue; and

(ii) a period of four years ending on the last date as aforesaid, in any other case:

Provided that for the purpose of this section if it is considered necessary so to do, the State Government may, subject to such conditions as it may deem fit, and the Commissioner may, subject to such conditions as may be prescribed, by a general or special order, stay, either generally or for a specified period, the assessment proceedings of a dealer or class of dealers :

Provided further that in computing the period of limitation for the purposes of this section, any period during which assessment proceedings are stayed under the first proviso or by an order or injunction of any court or authority shall be excluded:

Provided further that where a fresh assessment is required to be made in pursuance of any order under section 65, 67 or 69 or in pursuance of any order of any court or authority such fresh assessment shall be made at any time within three years from the date of such order.

(2) Nothing in sub-section (1) shall apply to any assessment proceedings (including any notice issued) pending immediately before the appointed day.

43. *Applicability of the Act or earlier law to other persons liable to pay tax.*—Where in respect of any tax (including any penalty) due from a dealer under this Act or under any earlier law, any other person is liable for the payment thereof under any provisions of this Act or earlier law, all the relevant provisions of this Act or, as the case may be, of the earlier law, shall in respect of such liability apply to such person also, as if he were the dealer himself.

54. *Reassessment of turnover escaping assessment.*—If the Commissioner has reason to believe that any turnover of sales or turnover of purchases of any goods chargeable to tax under this Act has not been assessed in respect of any period in an order of assessment made under section 41, then the Commissioner may—

(a) where he has reason to believe that the dealer has concealed such sales or purchases or any material particulars relating thereto, or has knowingly furnished incorrect declarations or returns, at any time within eight years, and

(b) in any other case, at any time within five years, of the end of the period to which such turnover relates, serve on the dealer liable to pay tax in respect of such turnover, a notice containing all or any of the requisitions which may be included in a notice in the prescribed manner and assess, not later than three years from the date of service of the notice, the amount of tax due from such dealer to the best of his judgment:

Provided that the amount of tax shall be assessed to the rates at which it would have been liable to tax had there been no escapement of assessment but after making deductions (if any) permitted from time to time by or under this Act:

Provided further that where in respect of such assessment, proceedings are pending in appeal or revision, the appropriate appellate or revisional authority under this Act may, on its own motion or on the report of the Commissioner after giving the dealer concerned a reasonable opportunity of being heard, pass such order as it deems fit:

Provided further that the provisions of all the provisos to sub-section (1) of section 42 shall mutatis-mutandis apply to assessment proceedings under this section.

45. *Imposition of penalty in certain cases and bar to prosecution.*—(1) Where any dealer or Commission agent becomes liable to pay purchase tax under the provisions of sub-section (1) or (2) of section 16, then, the Commissioner may impose on him, in addition to any tax payable,—

(a) if he has included the purchase price of the goods in his turnover of purchases as required by sub-section (1) of section 16, a sum by way of penalty not exceeding half the amount of tax, and

(b) if he has not so included the purchase price as aforesaid, a sum by way of penalty not exceeding twice the amount of tax.

(2) If, while assessing the amount of tax due from a dealer under section 41, it appears to the Commissioner that such dealer—

(a) has failed to apply for registration as required by section 29, or

(b) has without reasonable cause, failed to comply with the notice under section 41, or

(c) has concealed the particulars of any transaction or deliberately furnished inaccurate particulars of any transaction liable to tax, the Commissioner may impose upon the dealer by way of penalty, in addition to any tax assessed under section 1, a sum not exceeding one and one-half times the amount of the tax.

(3) If a dealer fails to present his Licence, Recognition or as the case may be, Permit for cancellation as required by section 35 or 36, the Commissioner may impose upon the dealer by way of penalty, a sum not exceeding two thousand rupees.

(4) If a dealer fails without sufficient cause to furnish any declaration or any return as required by section 40, the Commissioner may impose upon the dealer by way of penalty, a sum not exceeding two thousand rupees.

(5) If a dealer does not, without reasonable cause, pay tax within the time he is required by or under the provisions of this Act to pay it, he shall, subject to the provisions of sub-section (4) of section 65, pay by way of penalty, in addition to the amount of tax, a sum equal to,—

(a) one per cent of the amount of tax per month for the first three months, after the last date by which he should have paid that tax, and

(b) one and one half per cent of the amount of tax per month thereafter, during the time he continues to make default in the payment of tax.

Provided that the Commissioner may, subject to such conditions as may be prescribed and an appellate authority in an appeal under section 65 may, remit the whole or any part of the penalty payable in respect of any period.

(6) Where a dealer has failed to pay the whole of the amount of tax as required by sub-section (2) of section 47 or the whole of the extra amount of tax as required by sub-section (3) of that section or where in the case of a dealer, the amount of tax assessed or re-assessed for any period under section 41 or section 44 exceeds the sum already paid by a dealer in respect of such period prior to such assessment or reassessment by more than twenty per cent of the sum so paid, the dealer shall be deemed to have failed to pay the tax to the extent of the difference between the amount payable as aforesaid and the amount paid and the dealer shall pay by way of penalty on the amount of difference a sum calculated in accordance with the provisions of sub-section (5) and the provisions of subsection (5) shall, so far as may be, apply thereto :

Provided that where in assessing the amount of tax from any dealer under section 41 in respect of any period the time taken for making an order of assessment exceeds eighteen months from the date of expiry of the time prescribed for the payment of tax under section 47 the Commissioner shall remit the amount of penalty payable by the dealer for the period between the date of expiry of the said period of eighteen months and the date of payment of tax specified in the notice under sub-section (4) of section 47:

Provided further that where the Commissioner is satisfied that the difference between the amount payable as assessed or reassessed and the amount paid has taken place not without a reasonable cause, the Commissioner may remit the whole or the part of the penalty, payable in respect of any period by any dealer.

(7) Wherever any person fails without sufficient cause, to furnish any information required by section 38, the Commissioner may, by an order in writing, impose upon the dealer by way of penalty a sum not exceeding two thousand rupees.

(8) If any dealer contravenes the provisions of section 57, the Commissioner may, direct him to pay by way of penalty a sum not exceeding ten percent of the amount of the bill or cash memorandum in respect of which such contravention has been made

(9) If the Commissioner has reason to believe that any person is liable to a penalty under any of the provisions of this section he shall serve on him a notice requiring him on a date and at a place specified in the notice to attend and to show cause why a penalty as provided in such provision should not be imposed on him

(10) The Commissioner shall thereupon hold an inquiry and shall make such order as he thinks fit.

46. *Imposition of penalty for contravening certain provisions.*—(1) If any person collects any amount by way of tax in contravention of the provisions of section 56, he shall be liable to pay, in addition to any tax for which he may be liable,

(i) a penalty equal to such amount as shall not be less than the amount so collected or more than double such amount, in a case where the Commissioner has reason to believe that such person has wilfully contravened the provisions of section 56, and

(ii) a penalty equal to the amount so collected, in any other case.

(2) If any person being a dealer liable to pay tax under this Act or being a dealer who was required to do so by the Commissioner by notice served on him, fails to maintain accounts in the manner specified in sub-section (1) of section 58, or fails when directed to do so under that section to keep any accounts or record in accordance with the direction, he shall be liable to pay in addition to any tax for which he may be liable, a penalty of the amount not exceeding two thousand rupees or double the amount of tax which would have been payable had there been no such contravention, whichever is less.

(3) If the Commissioner, in the course of any proceedings under this Act or otherwise, has reason to believe that any person has become liable to a penalty under sub-section (1) or (2), he shall serve on such person a notice requiring him on a date and at a place specified in the notice to attend and to show cause why a penalty as provided in sub-section (1) or (2) should not be imposed on him.

(5) The Commissioner shall thereupon hold an inquiry and shall make such order as he thinks fit.

47. *Payment of tax, etc.*—(1) Tax shall be paid in the manner

herein provided, and at such intervals as may be prescribed.

(2) A Registered dealer furnishing declarations or returns as required by sub-section (1) of section 40, shall first pay into a Government treasury, in the manner prescribed the whole amount of tax due from him according to such declaration or return alongwith the amount of any penalty payable by him under section 45.

(3) A Registered dealer furnishing a revised declaration or revised return in accordance with sub-section (3) of section 40 which revised declaration or revised return shows that a larger amount of tax than already paid is payable, shall first pay into a Government treasury the extra amount of tax.

(4) (a) The amount of tax—

(i) due where declarations or returns have been furnished without full payment therefor, or

(ii) assessed or re-assessed for any period under section 41 or section 44 less any sum already paid by the dealer in respect of such period or assessed under section 19 or 50, and

(b) the amount of penalty (if any) levied under section 45 or 46, shall be paid by the dealer or the person liable therefor into a Government treasury by such date as may be specified in a notice issued by the Commissioner for this purpose, being a date not earlier than thirty days from the date of service of the notice :

Provided that the Commissioner or an appellate authority in an appeal under section 65 may, in respect of any particular dealer or person, and for reasons to be recorded in writing extend the date of payment, or allow him to pay the tax or penalty (if any) by instalments.

(5) Any tax or penalty which remains unpaid after the date specified in the notice for payment, or after the extended date of payment, and any instalment not duly paid, shall be recoverable as an arrear of land revenue.

(6) The State Government may, by general or special order published in the *Official Gazette*, authorise any officer not below the rank of a Sales Tax Officer, to exercise, for the purpose of effecting recovery of the amount of tax or penalty due from any dealer or person under this Act or under an earlier law, the powers of a Collector under the Bombay Land Revenue Code, 1879 (Bom. V of 1879) to recover arrears of land revenue.

48. *Special mode of recovery.*—Notwithstanding anything contained in any law or contract to the contrary, the Commissioner may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Commissioner, require —

(a) any person from whom any amount of money is due, or may become due to a dealer and on whom notice has been served under sub-section (4) of section 47, or

(b) any person who holds or may subsequently hold money for or on account of such dealer, to pay to the Commissioner, either forthwith upon the money becoming due or being held or at or within the time specified in the notice (but not before the money becomes due or is held as aforesaid), so much of the money as is sufficient to pay the amount due by the dealer in respect of the arrears of tax and penalty, or the whole of the money when it is equal to or less than that amount.

Explanation.—For the purpose of this section, the amount of money due to a dealer from, or money held for or on account of a dealer by,

any person, shall be calculated after deducting therefrom such claims (if any), lawfully subsisting, as may have fallen due for payment by such dealer to such person.

The Commissioner may at any time, or from time to time, amend or revoke any such notice, or extend the time for making any payment in pursuance of the notice.

Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer, and the receipt of the Commissioner shall constitute a good and sufficient discharge of the liability of such person, to the extent of the amount referred to in the receipt.

Any person discharging any liability to the dealer after receipt of the notice referred to in this section, shall be personally liable to the Commissioner to the extent of the liability discharged, or to the extent of the liability of the dealer for tax and penalty, whichever is less.

Where a person to whom a notice under this section is sent objects to it, by a statement in writing that the sum demanded or any part thereof is not due or payable to the dealer or that the amount held for or on account of the dealer is under genuine dispute; the Commissioner shall hold an enquiry and after giving a reasonable opportunity of being heard to such person and the dealer, shall make such order as he thinks fit.

Any amount of money which a person is required to pay to the Commissioner or for which he is personally liable to the Commissioner under this section shall if it remains unpaid, be recoverable as an arrear of land revenue.

49. Exemptions—(1) Subject to the conditions or exemptions, if any, specified in relation to the following classes of sales or purchases shall be exempt from the payment of the whole of tax payable under the provision of this Act, namely:—

(i) Sales to the Canteen Stores Department (India) of goods certified by it as being intended for being sold directly or through Canteens to members of the Armed Forces of India at any place whether in Gujarat State or outside it;

(ii) Sales by the Canteen Stores Department (India) to the Unit Canteens run by officers of the Armed Forces of India, of goods which are intended for being sold to members of the Armed Forces of India;

(iii) Sales by Unit Canteens run by officers of the Armed Forces of India of goods obtained by such Unit Canteens from the Canteen stores Department (India), to members of the Armed Forces of India;

(iv) Sales of goods by the Canteen Stores Department (India) to members of the Armed Forces of India;

(v) Sales to branches or depots of the Military Farms Department (India) situated in the State of Gujarat, of milk products including cream butter, ghee, and khoa (except buttermilk, curds, lassi and chakka, and sweetmeats including shrikhand, basudi and dudhpak), certified by the officers in charge of the said branches or depots as being intended for being supplied directly or through the parent farms conducted by the said department anywhere in India, to the members of the Armed Forces of India;

(vi) Sales to goods of the offices and agencies of the United Nations Organisation specified hereunder, if the purchasing office or agency

furnishes to the selling dealer a certificate in the prescribed form declaring inter alia that the goods are purchased for official use of such office or agency, namely:—

- (1) The United Nations World Health Organisation;
- (2) The United Nations Children's Fund;
- (3) The United Nations Informations Centre;
- (4) The United Nations Technical Assistance Board;
- (5) The United Nations Military Observers Group in India and Pakistan;
- (6) The International Labour Office;
- (7) The United Nations Food and Agriculture Organisation;
- (8) The United Nations Educational Scientific and Cultural Organisation;

(vii) Sales of goods to the duly accredited representatives of CARE India (Co operative for American Relief Everywhere, Incorporated), if the accredited representative furnishes to the selling dealer a certificate in the prescribed form declaring inter alia that the goods are purchased by CARE India for distribution in India free of cost.

(2) Subject to such conditions as it may impose, the State Government may, if it considers it necessary so to do in the public interest, by notification in the Official Gazette, exempt any specified class of sales or purchases from payment of the whole or any part of any tax payable under the provisions of this Act.

(3) Every notification issued under sub-section (2) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which it is laid or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

50. *Liability to pay tax in event of breach of condition of exemption.*—

(1) If any specified class of sales or purchases is exempted under section 49 from the whole or any part of any tax payable under this Act subject to any condition, then, in the event of a breach of such condition in respect of any goods so sold or purchased, the seller or purchaser responsible for such breach shall, notwithstanding anything contained in section 3, be liable to pay tax on such sale or purchase, as the case may be, to the extent to which it was exempted under section 49 from the payment of tax.

(2) If the Commissioner has reason to believe that the seller or purchaser, as the case may be, has incurred liability to pay tax under sub-section (1), he shall serve on the seller or purchaser, as the case may be, a notice requiring him on a date and a place specified therein, either to attend and produce or cause to be produced all evidence on which such person relies in connection with his liability under this section or to produce such evidence as is specified in the notice. On the date specified in the notice, or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess to the best of his judgment, the amount of tax due from him within a period of not more than four years from the date on which the breach concerned has come to the notice of the Commissioner :

Provided that the provisions of all the provisions to sub-section (1) of section 42 shall mutatis-mutandis apply to assessment proceedings under this section.

51. *Drawback, set off, refund etc.*—The State Government may by rules provide, that—

(a) in such circumstances and subject to such conditions as may be specified in the rules a drawback, set off, or refund of the whole or any part of the tax—

(i) paid or levied or leviable under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959.) in respect of any earlier sales or purchases of goods which are held in stock by a dealer on the appointed day, be granted to such dealer, or

(ii) paid or levied or leviable in respect of any earlier sale or purchase of goods under this Act or the Bombay Sales Tax Act, 1959 (Bom. LI of 1956) be granted to the purchasing dealer;

(b) for the purpose of the levy of tax under any of the provisions of this Act, the sale price or purchase price shall, in the case of any class of sales or purchases, be reduced to such extent, and in such manner, as may be specified in the rules.

52. *Refund of excess payment.*—The Commissioner shall refund to a person the amount of tax and penalty (if any) paid by such person in excess of the amount due from him. The refund may be either by cash payment or, at the option of the person by deduction of such excess from the amount of tax and penalty due in respect of any other period:

Provided that the Commissioner shall first apply such excess towards the recovery of any amount due in respect of which a notice under sub-section (4) of section 47 or under the relevant provisions of the earlier law has been issued, and shall then refund the balance (if any).

53. *Refund of tax on declared goods in the course of inter State trade or commerce*—Where any declared goods are sold by a dealer in the course of inter-State trade or commerce, and such dealer shows to the satisfaction of the Commissioner that a tax under this Act, or any earlier law has been levied in respect of any earlier sale or purchase of such goods made in the State after the date of the coming into force of section 15 of the Central Sales Tax Act, 1956 (LXXIV of 1956) then an amount equal to the tax so levied shall be refunded to such dealer in such manner and subject to such conditions, as may be prescribed.

54. *Interest on delayed refunds.*—(1) Where an amount required to be refunded by the Commissioner to any person by virtue of an order issued after the appointed day is not so refunded to him within ninety days of the date of the order, the State Government shall pay to such person simple interest at four and half per cent per annum on the said amount from the date immediately following the expiry of the period of ninety days to the date of the refund:

Provided that no interest shall be payable where an appeal or revision application is filed or where an application has been made to the Tribunal to refer to the High Court any question of law.

Explanation 1.—If the delay in granting the refund within the period of ninety days aforesaid is attributable to the dealer whether wholly or in part, the period of the delay attributable to him shall be excluded from the period for which interest is payable.

Explanation 2.—In case of an order relating to refund passed in appeal or in revision, the period of ninety days shall be calculated from the date of the receipt of such order by the Sales Tax Officer.

(2) Where any question arises as to the period to be excluded for the purposes of calculation of interest under the provisions of this section, such question shall be determined by the Commissioner whose decision shall be final.

55. *Remission of taxes.*—(1) Subject to such conditions as it may impose the State Government may, if it is necessary so to do in the public interest or to grant concession in case of double taxation or to redress an inequitable situation, remit by an order either generally or specially, the whole or any part of the taxes payable in respect of any period by any dealer or a class of dealers or of any specified class of sales or purchases.

(2) The Commissioner may, in such circumstances and subject to such conditions and limits as may be prescribed, remit the whole or any part of the tax payable, in respect of any period; by any dealer.

56. *Prohibition against collection of tax in certain cases.*—(1) No person shall collect any sum by way of tax in respect of sale of any goods on which by virtue of section 5 or section 49 or a notification issued thereunder no tax is payable.

(2) No person selling any goods shall collect from the purchaser any amount by way of tax unless such person is a registered dealer and is liable to pay the tax in respect of such sale.

(3) Subject to sub-sections (1) and (2), no dealer shall collect any amount by way of tax in excess of the amount of tax payable by him under the provisions of this Act in respect of any transaction:

Provided that sub-sections (2) and (3) shall not apply where a person is required to collect such amount of the tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force.

57. *Memorandum of sales or purchases.*—If—

(a) a Registered dealer sells goods to another Registered dealer, or

(b) a Registered dealer whose turnover of sales has exceeded sixty thousand rupees in the previous year, sells in the current year any goods exceeding five rupees in value in any one transaction to any other person.

he shall issue to the purchaser a bill or cash memorandum serially numbered signed and dated by him or his servant, manager or agent, and showing therein such other particulars as may be prescribed. He shall keep a counterfoil or duplicate of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than three years from the date of sale.

CHAPTER VI

Liability to produce accounts and supply information.

58. *Accounts.*—(1) Every dealer liable to pay tax under this Act, and every other dealer who is required so to do by the Commissioner by notice served on him in the prescribed manner, shall maintain regularly in the course of his business correct and complete books of accounts.

(2) If the Commissioner considers that the accounts kept are not sufficiently clear or intelligible to enable him to determine whether or not a dealer is liable to pay tax during any period, or are so kept as not to enable a proper scrutiny of the declarations, returns of the statements furnished, the Commissioner may require such dealer by notice in writing to keep such accounts (including records of sales or purchases) in such form or manner as in his opinion is necessary for the purpose of proper assessment and as he may, subject to anything that may be prescribed in that behalf in writing direct.

(3) The Commissioner may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any dealer or by notification in the Official Gazette direct any class of

dealers, to maintain accounts and records showing such particulars regarding their purchases, sales or deliveries of goods, in such form, and in such manner, as may be specified by him.

59. *Production and inspection of accounts and documents and search of premises.*—(1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer to produce before him any accounts or documents, or to furnish any information relating to stocks of goods of, or to sales, purchases and deliveries of goods by, the dealer or any other information relating to his business, as may be necessary for the purposes of this Act.

(2) All accounts; registers and documents relating to stocks of goods of, or to purchases, sales and deliveries of goods by any dealer and all goods kept in any place of business of any dealer, shall at all reasonable times be open to inspection by the Commissioner, and the Commissioner may take or cause to be taken such copies or extracts therefrom or may place or cause to be placed such marks of identifications thereon, as appear to him necessary for the purposes of this Act.

(3) The Commissioner may, for the purposes of this Act, impound and retain in his custody for such period as he considers necessary any books of account or other documents produced before him in any proceeding under this Act.

(4) If the Commissioner has reason to believe that any dealer has evaded or is attempting to evade the payment of any tax due from him he may, for reasons to be recorded in writing, seize such accounts, registers or documents, of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same for so long as may be necessary in connection with any proceeding under this Act or for a prosecution.

(5) For the purposes of sub-section (2) or sub-section (4), the Commissioner may enter and search any place of business of any dealer, or any other place where the Commissioner has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers or documents of his business or stocks of goods relating to his business and may make a note or an inventory of any articles or things found in the course of any search which in his opinion will be useful for, or relevant to, any proceeding under this Act, or for a prosecution.

(6) The provisions of the Code of Criminal Procedure, 1898 (V of 1898) relating to searches shall apply, so far as may be, to a search made under sub-section (5).

60. *Dealer to declare the name of manager of his business.*—Every dealer, who is liable to pay tax, and who is a Hindu undivided family, or an association or club or society or firm or company, or who carries on business as the guardian or trustee or otherwise on behalf of another person, shall within the period prescribed send to the authority prescribed a declaration in the manner prescribed stating the name of the persons who shall be deemed to be the manager or managers of such dealer's business for the purposes of this Act. Such declaration may be revised from time to time.

61. *Powers to collect statistics.*—(1) If the State Government considers that for the purposes of the better administration of this Act, it is necessary so to do, it may, by notification in the *Official Gazette*, direct that statistics be collected relating to any matter dealt with by or under this Act.

(2) Upon such direction being made, the State Government or any person authorised by it in this behalf may, by notification in the *Official*

Gazette, and by notice in any newspapers or in such other manner as in its or his opinion is best calculated to bring the notice to the attention of dealers, call upon all dealers or any class of dealers to furnish such information or returns as may be stated therein relating to any matter in respect of which statistics are to be collected. The form in which, the persons to whom or, the authorities to which such information or returns should be furnished, the particulars which they should contain and the intervals at which such information or returns should be furnished, shall be such as may be prescribed.

CHAPTER VII.

Proceedings

62. *Determination of disputed questions.*—(1) If any question arises, otherwise than in proceedings before a court, or proceedings under section 41 or 44, whether for the purposes of this Act—

(a) any person, society, club or association or any firm or any branch or department of any firm is a dealer, or

(b) any particular thing done to any goods amounts to or results in the manufacture of goods within the meaning of that term, or

(c) any transaction is a sale or purchase, or

(d) any particular dealer is required to be registered, or

(e) any tax is payable in respect of any particular sale purchase or if tax is payable the rate thereof, the Commissioner shall make an order determining such question.

(2) The Commissioner may direct that the determination shall not affect the liability of any person under this Act, as respects any sale or purchase affected prior to the determination.

(3) If any such question arises from any order already passed under this Act or any earlier law, no such question shall be entertained for determination under this section ; but such question may be raised in appeal against, or by way of revision of such order.

63. *Power of Tribunal and Commissioner.*—(1) In discharging their functions under this Act, the Tribunal and the Commissioner shall have all the powers of a Civil Court for the purpose of—

(a) proof of facts by affidavit ;

(b) summoning and enforcing the attendance of any person, and examining him on oath or affirmation ;

(c) compelling the production of documents ; and

(d) issuing commissions for the examination of witnesses.

(2) In the case of any affidavit to be made for the purposes of this Act, any officer appointed by the Tribunal or the Commissioner, may administer the oath to the deponent.

64. *Bar to certain to Proceedings*—Save as is provided by section 69 no assessment made and no order passed under this Act or the rules made thereunder by the Commissioner or any officer appointed to assist him shall be called in question in any Court and save as is provided by sections 65 and 67 no appeal or application for revision shall lie against any such assessment or order.

65. *Appeals.*—(1) An appeal from every original order, not being an order mentioned in section 66, passed under this Act or the rules made thereunder shall lie—

(a) if the order is made by a Sales Tax Officer subordinate thereto, to the Assistant Commissioner ;

(b) if the order is made by an Assistant Commissioner, to the Commissioner ;

(c) if the order is made by an Deputy Commissioner, Additional Commissioner or Commissioner, to the Tribunal.

(2) In the case of an order passed in appeal by an Assistant Commissioner, a second appeal shall lie, at the option of the appellant, either to the Commissioner or to the Tribunal,

(3) Subject to the provisions of section 71, no appeal shall be entertained unless it is filed within sixty days from the date of communication of the order appealed against.

(4) No appeal against an order of assessment with or without penalty or against an order imposing penalty shall ordinarily be entertained by an appellate authority, unless such appeal is accompanied by satisfactory proof of payment of the tax with or without penalty or, as the case may be, of the payment of the penalty in respect of which an appeal has been preferred :

Provided that an appellate authority may, if it thinks fit, for reasons to be recorded in writing, entertain an appeal against such order—

(a) without payment of tax with penalty (if any) or as the case may be, of the penalty, or

(b) on proof of payment of such smaller sum as it may consider reasonable, or

(c) on the appellant furnishing in the prescribed manner security for such amount as the appellate authority may direct.

(5) The Commissioner on receipt of notice that an appeal against the order passed in appeal by the Assistant Commissioner has been preferred by the other party to the Tribunal, may, within thirty days of the receipt of the notice, file a memorandum of cross objections against any part of the order passed in appeal by the Assistant Commissioner and such memorandum shall be disposed of by the Tribunal as if it were an appeal

(6) Subject to such rules of procedure as may be prescribed, an appellate authority may pass such order on appeal as it deem just and proper.

(7) Every order passed in appeal under this section shall, subject to the provisions of sections 67, 69 and 72, be final.

66. *Non-appealable orders.*—No appeal and no application for revision shall lie against,—

(1) a notice issued under this Act calling upon a dealer for assessment or asking a dealer to show cause as to why he should not be prosecuted for an offence under this Act, or

(2) an order pertaining to the seizure or retention of account books, registers and other documents, or

(3) an order sanctioning a prosecution under this Act, or

(4) an order staying assessment proceedings under the first proviso to sub-section (1) of section 42.

67. *Revision.*—(1) Subject to the provisions of section 66 and to any rules which may be made in this behalf,—

(a) the Commissioner of his own motion within three years from the date of any order passed by any officer appointed under section 27 to assist him, may call for and examine the record of any such order and pass such order thereon as he thinks just and proper ;

(b) the Tribunal, on application made to it against an order of the Commissioner (not being an order passed under sub-section (2) of section 65 in second appeal) within four months from the date of the communication of the order, may call for and examine the record of any such

order, and pass such order thereon as it thinks just and proper.

(2) Where an appeal lies under section 65 and no appeal has been filed, no proceedings in revision under this section shall be entertained upon application.

(3) No order shall be passed under this section which adversely affect any person, unless such person has been given reasonable opportunity of being heard.

(4) If the Tribunal rejects any application for revision under this section, the Tribunal shall record the reasons for such rejection.

68. *Court fee on appeal and application for revision.*—Notwithstanding anything contained in the Bombay Court-fees Act, 1959, (Bom. XXXVI of 1959) an appeal preferred under section 65 and an application for revision made under section 67 shall bear a Court-fee stamp of such value as may be prescribed.

69. *Statement of case to the High Court.*—(1) Within ninety days from the date of the communication of the order of the Tribunal, passed in appeal or revision, being an order which affect the liability of any person to pay tax or penalty, or which affects the recovery from any person of any amount under section 48, that person, or the Commissioner, may by application in writing (accompanied, where the application is made by that person, by a fee of one hundred rupees) require the Tribunal to refer to the High Court any question of law arising out of such order; and where the Tribunal agrees, the Tribunal shall, as soon as may be after the receipt of such application, draw up a statement of the case and refer it to the High Court :

Provided that if in the exercise of its power under this sub-section the Tribunal refuses to state the case which it has been required to do on the ground that no question of law arises, that person, or as the case may be, the Commissioner may, within thirty days of such refusal either withdraw his application (and if he does so, any fee paid shall be refunded), or apply to the High Court against such refusal.

(2) If upon receipt of an application under sub-section (1), the High Court is not satisfied as to the correctness of the decision of the Tribunal, it may require the Tribunal to state the case and refer it; and accordingly, on receipt of any such requisition, the Tribunal shall state the case and refer it to the High Court.

(3) If the High Court is not satisfied that statements in the case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alterations therein, as the High Court may direct in that behalf.

(4) The High Court upon the hearing of any such case, shall decide the question of law raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgment under the seal of the court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly.

(5) Where a reference is made to the High Court under this section, the costs including the disposal of the fee referred to in sub-section (1), shall be in the discretion of the Court.

(6) The payment of the amount of the tax, if any, due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1) shall not be stayed pending the disposal of such application or any reference made in consequence

thereof; but if such amount is reduced as a result of such reference, the excess tax paid shall be refunded in accordance with the provisions of section 52.

70. *Application of sections 4 and 12 of Limitation Act, 1963.*—In computing the period laid down under sections 65, 67 and 69, the provisions of sections 4 and 12 of the Limitation Act, 1963 (63 of 1963) shall, so far as may be, apply.

71. *Extension of period of limitation in certain cases.*—An appellate authority may admit any appeal or permit the filing of a memorandum of cross objections under section 65 and the Tribunal may admit an application under section 67 or under section 69 after the period of limitation laid down in the said sections, if the appellant or the applicant satisfies the appellate authority or the Tribunal, as the case may be, that he had sufficient cause for not preferring the appeal or filing a memorandum of cross objections or making the application, within such period.

72. *Rectification of mistakes.*—(1) The Commissioner may at any time within two years from the date of the communication of the order passed by him, to the person affected by such order, on his own motion, rectify any mistake of fact apparent from the record, and shall within a like period rectify any such mistake which has been brought to his notice by any person affected by such order :

Provided that, no such rectification shall be made if it has the effect of enhancing the tax or reducing the amount of a refund, unless the Commissioner has given notice in writing to such person of his intention to do so and has allowed such person a reasonable opportunity of being heard.

(2) The provisions of sub-section (1) shall apply to the rectification of a mistake by the Tribunal or an appellate authority under section 65 as they apply to the rectification of a mistake by the Commissioner.

(3) Where any such rectification has the effect of reducing the amount of the tax or penalty, the Commissioner shall, in the prescribed manner, refund any amount due to such person.

(4) Where any such rectification has the effect of enhancing the amount of the tax or penalty or reducing the amount of refund, the Commissioner shall recover the amount due from such person provided in the manner for in section 47 .

73. *Transfer to defraud revenue void.*—Where, during the pendency of any proceedings under this Act, any dealer liable to pay tax creates a charge on, or parts with the possession by way of sale, mortgage, exchange or any other mode of transfer whatsoever of any of his property in favour of any other person with the intention of defrauding the Government revenue such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the dealer as a result of the completion of the said proceeding :

Provided that such charge or transfer shall not be void, if made for valuable consideration and without notice of such proceeding.

74. *Levy of fee on applications for copies of orders, documents and of fee for making copies.*—(1) On every application—

(a) for a certified or duplicate copy of a certificate of Registration, Licence, Recognition or Permit, or

(b) for a certified copy of an order of assessment or any other order passed or any document produced or filed in any proceeding under this Act, or

(c) for the determination of any question under section 62.

there shall be paid such fee in Court fee stamps as may be prescribed.

(2) There shall be charged such fee in cash as may be prescribed for making and supplying a duplicate or certified copy of an order or document under this Act or the rules made thereunder and where any copy is required urgently there shall be charged such extra fee as may be prescribed.

(3) Where an application is made for a copy of any order or document, the applicant may be required to deposit in accordance with the rules made in this behalf such amount as may be necessary to cover the amount of fee chargeable under sub-section (2).

CHAPTER VIII

Offences and Penalties

75. *Offences and penalties.*—(1) Whoever—

(a) carries on business as a dealer without being registered in contravention of section 29, or

(b) knowingly furnishes a false declaration or a false return, or

(c) not being a Registered dealer under section 29 or 30 falsely represents that he is or was a registered dealer at the time when he sells or buys any goods, or

(d) not holding a Licence, Recognition or Permit represents at the time when he purchases or sells any goods that he holds as the case may be, a Licence, Recognition or Permit, or

(e) gives a certificate under section 12 or 13 which he knows or has reasons to believe to be false, or

(f) gives a certificate regarding compliance with any condition imposed under section 49 which he knows or has reason to believe to be false, or

(g) fails when directed so to do under section 58 to keep any accounts or records in accordance with the direction, or

(h) fails to comply with any requirement made of him under section 59, or

(i) knowingly produces false accounts, registers or documents or knowingly furnishes incorrect information, or

(j) obstructs any officer making an inspection or search or seizure under section 59, or

(k) aids or abets any person in the commission of any acts specified in clauses (a) to (j).

shall, on conviction, be punished with simple imprisonment which may extend to six months or with fine not exceeding two thousand rupees, or with both; and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence.

(2) Where a dealer is accused of an offence specified in clauses (b), (d), (e), (f), (g), (h) or (i) of sub-section (1), the person deemed to be the manager of the business of such dealer under section 60 shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.

(3) No prosecution for an offence under this Act shall be instituted in respect of the same facts on which a penalty has been imposed by the Commissioner under any provisions of this Act.

76. *Disclosure of information by a public servant.*—(1) All particulars contained in any statement made, declaration or return furnished or accounts or documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act,

(other than proceedings before a Criminal Court), shall save as provided in sub-section (3) be treated as confidential; and notwithstanding anything contained in the Indian Evidence Act, 1872, (1 of 1872,) no court shall, save as aforesaid, be entitled to require any servant of the Government to produce before it any statement, declaration, return, amount, document or record or any part thereof, or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(3) Nothing contained in this section shall apply to the disclosure,—

(a) of any such particulars in respect of any such statement, declaration, return, accounts documents, evidence, affidavit or deposition for the purpose of any prosecution under the Indian Penal Code (XLV of 1860) or the Prevention of Corruption Act 1947, (II of 1947), or this Act; or

(b) of any such particulars to the State Government or to any person acting in the execution of this Act, for the purposes of carrying out the object of this Act; or

(c) of any such particulars when such disclosure is occasioned by the lawful employment under this Act, of any process for the service of any notice or the recovery of any demand; or

(d) of any such particulars to a Civil Court in any suit, to which the Government is a party, which relates to any matter arising out of any proceeding under this Act; or

(e) of any such particulars to any officer appointed to audit receipts or refunds of the tax imposed by this Act; or

(f) of any such particulars where such particulars are relevant to any inquiry into the conduct of an official of the Sales Tax Department to any person or persons appointed as Commissioners under the Public Servants (Inquires) Act, 1850, (XXXVII of 1850), or to any officer otherwise appointed to hold such inquiry or to a Public Service Commission established under the Constitution when exercising its functions in relation to any matter arising out of such inquiry; or

(g) of any such facts to an officer of the Central Government or a State Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it; or

(h) of any such particulars, when such disclosure is occasioned by the lawful exercise by a public servant of his powers under the Bombay Stamp Act, 1958 (Bom. LX of 1958), or the Indian Stamp Act, 1899, (II of 1899) to impound an insufficiently stamped document; or

(i) of any such particulars where such particulars are relevant to any inquiry into a charge of misconduct in connection with sales tax proceedings against a legal practitioner, sales tax practitioner or Chartered Accountant, to the authority empowered to take disciplinary action against members practising the profession of a legal practitioner, sales tax practitioner or Chartered Accountant, as the case may be; or

(j) of any such particulars to the Director, Bureau of Economics and Statistics or any officer serving under him or to any person or persons authorised under sub-section (2) of section 61 as may be necessary for enabling the Director or such person or persons to work out the incide-

nance of tax on any commodity; or

(k) of any such particulars to an officer of the Central Government or a State Government for the purpose of investigation or prosecution under any law for the time being in force, as the State Government may direct in any specific case.

77. *Disclosure of information required under section 61 and failure to furnish information or return under that section.*—(1) No information of any individual return and no part of any individual return, with respect to any matter given for the purposes of section 61 shall, without the previous consent in writing of the owner for the time being or his authorised agent, be published in such manner as to enable any particulars to be identified as referring to a particular dealer and no such information shall be used for the purpose of any proceedings under the provisions of this Act.

(2) Except for the purposes of prosecution under this Act, or under the Indian Penal Code. (XLV of 1860) no person who is not engaged in the collection of statistics under section 61 or in the administration of this Act shall be permitted to see or have access to any information or any individual return referred to in that section.

(3) If any person required to furnish any information or return under section 61,—

(a) wilfully refuses or without lawful excuse neglects to furnish such information or return as may by that section be required, or

(b) wilfully furnishes or causes to be furnished any information or return which he knows to be false, he shall, on conviction, be punished with fine which may extend to one hundred rupees and in case of a continuing offence to a further fine which may extend to ten rupees for each day after the first day during which the offence continues.

(4) If any person engaged in connection with the collection of statistics under section 61 wilfully discloses any information or the contents of any return given or made under that section; otherwise than in execution of his duties under that section or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, (XLV of 1860) he shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

78. *Offences by companies*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section. —

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

79. *Cognizance of offences.*—(1) No Court shall take cognizance of any offence punishable under sections 75, 76 or 77 or under any rules made under this Act, except with the previous sanction of the Commissioner.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (V of 1898) all offences punishable under this Act or rules made thereunder shall be cognizable and bailable.

80. *Investigation of offences.*—(1) Subject to such conditions as may be prescribed, the Commissioner may authorise either generally or in respect of a particular case or class of cases any officer appointed under section 27 to assist him to investigate all or any of the offences punishable under this Act.

(2) Every officer so authorised shall, in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898, (V of 1898) upon an officer in charge of a police station for the investigation of a cognizable offence.

81. *Compounding of offences.*—(1) The Commissioner may, either before or after the institution of proceedings for any offence punishable under section 75 or under any rule, accept from any person charged with such offence by way of composition of the offence a sum not exceeding,

(i) two thousand rupees, where the offence charged is under clause (c), (h) or (k) of sub-section (1) of section 75 or under any rule;

(ii) double the amount of tax which would have been payable on the sale, purchase or turnover to which the offence relates, where the offence charged is under any of the other clauses of sub-section (1) of section 75:

Provided that where any such offence, whether referred to in clause (i) or (ii) is such as involves moral turpitude, the Commissioner may accept a sum not exceeding two thousand rupees or double the amount of tax which would have been payable on the sale, purchase or turnover to which such offence relates, whichever is greater.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence.

CHAPTER IX.

Miscellaneous.

82. *Powers to transfer proceedings.*—The Commissioner may, after due notice to the parties, by order in writing transfer any proceedings or class of proceedings under any provision of this Act from himself to any other officer and he may likewise transfer any such proceedings (including a proceeding already transferred under this section) from one such officer to another or to himself.

83. *Appearance before any authority in proceedings.*—(1) Any person who is entitled or required to attend before any authority in connection with any proceeding under this Act, may attend—

(a) by a person authorised by him in this behalf, being a relative or a person regularly employed by him, or

(b) by a legal practitioner or Chartered Accountant, who is not disqualified by or under sub-section (2), or

(c) by a sales tax practitioner who possesses the prescribed qualifications and whose name is entered in the list, which the Commissioner shall maintain in that behalf, and who is not disqualified by or under sub-section (2)-

(2) The Commissioner may, by order in writing and for reasons to be recorded therein, disqualify, for such period as is stated in the order, from attending before any such authority, any legal practitioner, Chartered Accountant or sales tax practitioner—

(i) who has been removed or dismissed from Government service, or

(ii) who being a legal practitioner or Chartered Accountant is found guilty of misconduct in connection with any proceedings under, this Act by an authority empowered to take disciplinary action against the members of the profession to which he belongs, or

(iii) who being a sales tax practitioner is found guilty of such misconduct by the Commissioner.

(3) No order of disqualification shall be made in respect of any particular person unless he is given a reasonable opportunity of being heard.

(4) Any person against whom any order of disqualification is made under this section may, within one month of the date of communication of such order, appeal to the Tribunal to have the order cancelled.

(5) The order of the Commissioner shall not take effect until one month of the communication thereof or when an appeal is preferred until the appeal is decided.

(6) The Commissioner may at any time suo motu or on an application made to him in this behalf, revoke any order made against any person under sub-section (2) and thereupon such person shall cease to be disqualified.

84. *Persons appointed under section 27 and members of the Tribunal to be public servants*—The Commissioner and all officers and persons appointed under section 27 to assist the Commissioner and all members of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1869)

85. *Indemnity*.—No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

86. *Power to make rules*.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) In making any rules under this section the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees and when the offence is a continuing one with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication :

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

87. Certain sales and purchases not to be liable to tax.—Nothing in this Act or the rules made thereunder shall be deemed to impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place—

- (i) in the course of inter-State trade or commerce, or
 - (ii) outside the State, or
 - (iii) in the course of the import of the goods into the territory of India or the export of the goods out of such territory,
- and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation.—For the purpose of this section whether a sale or purchase takes place—

- (a) in the course of inter-State trade or commerce, or
 - (b) outside the State, or
 - (c) in the course of the import of the goods into territory of India or export of the goods out of such territory,
- shall be determined in accordance with the principles specified in sections 3, 4 and 5 of the Central Sales Tax Act, 1956 (LXXIV of 1956).

88. Repeal and savings.—(1) The Bombay Sales Tax Act, 1959 (Bom. LI of 1959), is hereby repealed.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1) (hereinafter in this section referred to as the "said Act")—

(a) all rules, regulations, orders, notifications forms and notices issued under the said Act and in force immediately before the appointed day shall continue to have effect for the purposes of the levy, assessment, reassessment, collection, refund or set-off of any tax, or the granting of a drawback in respect thereof, or the imposition of any penalty, which levy, assessment, reassessment, collection, refund, set-off, drawback or penalty relates to any period before the appointed day or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid ;

(b) any registration certificate, Licence, Recognition or Permit issued under the said Act and in force immediately before the appointed day shall be deemed to be the registration certificate, Licence, Recognition, or as the case may be, Permit issued under this Act, and accordingly such registration certificate, Licence, Recognition or Permit shall be valid and effectual as a registration certificate, Licence Recognition or, as the case may be, Permit under this Act until such certificate, Licence, Recognition, or as the case may be Permit is issued, substituted, suspended or cancelled under the provisions of this Act ;

(c) any Authorisation issued under the said Act and in force immediately before the appointed day shall be deemed to be a Licence issued under this Act, but for such period only as may be prescribed from the appointed day or for a period ending on the date immediately preceding the date on which Licence is duly issued to the holder of such Authorisation, whichever period expires earlier ;

(d) any appointed, notification, order, regulation, form or notice made or issued under the said Act shall, so far as it is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, rule, regulation, form or notice made or issued under the provisions of this Act ;

(e) any person entitled to appear before any authority under the said Act shall be deemed to be entitled to appear before any authority under this Act, and accordingly if such person be a sales tax practitioner he shall be entitled to have his name entered in the list maintained under section 83.

(3) Without prejudice to the provisions contained in sub-section (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 (Bom. of 1904), shall apply in relation to the repeal of the said Act as if the said Act had been an enactment within the meaning of the said section 7.

SCHEDULE I

(See section 5)

Goods, the sale or purchase of which is free from all taxes.

Serial No.	Description of goods	Conditions and exceptions subject to which exemption is granted
1	2	3
1.	(a) Bread in any form. (b) <i>Khari</i> and butter biscuits.	... Except when sold in packets or sealed containers.
2.	(c) <i>Khakhra</i> and <i>Papad</i> . Cereals and pulses in all forms and flour thereof except maize flour.	... Except when sold in sealed containers.
3.	Cooked food (excluding ice-cream and Kulfi) and non-alcoholic drinks not containing ice-creams served at one time at a price of not more than two rupees per person, for consumption at or outside any eating house, restaurant, hotel, refreshment room or boarding establishment which is not a shop or establishment conducted primarily for the sale of sweet-meats, confectionery, cakes, biscuits or pastries.	Except when served outside any eating house, restaurant, hotel, refreshment room or boarding establishment at functions and parties.
4.	Eggs.	
5.	<i>Farsan</i> , that is to say, eatables (other than sweet preparations) prepared wholly or mainly from gram or other pulses or gram flour or flour of other pulses and such preparations as the State Government may, by notification in the Official Gazette, specify for the purposes of this entry.	

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| 6. (a) Firewood and charcoal | ... |
| (b) Wood of Limda, Pipla, Gando Baval and Vadla, sold in form other than firewood. | When sold for the purpose of being used as firewood. |
| (c) Coal gas. | When sold by a gas supply company to a local authority for consumption by such local authority for the purposes of street lighting. |
| 7. Fish. | Except when sold in sealed containers. |
| 8. Fresh vegetables and edible tubers. | ... |
| 9. Meat (excluding flesh of poultry and of feathered game). | Except when sold in sealed containers. |
| 10. (i) Milk, whole or separated or reconstituted. | ... |
| (ii) Butter-milk, curds and lassi and chakka. | ... |
| 11. Salt. | ... |
| 12. Vaccines, toxoids or sera. | ... |
| 13. Water (other than aerated, mineral, medicinal or tonic water) | ... |
| 14. Betel leaves and pan, tambul, vida, or patti prepared from betel leaves. | ... |
| 15. (i) Flowers (excluding artificial flowers). | ... |
| (ii) Veni, gajra, garlands and such other articles prepared from fresh flowers (excluding those of artificial flowers). | ... |
| 16. Fresh. | ... |
| 17. Plantain leaves. | ... |
| 18. Wet dates known as Khajur or Zahedi or by any other name. | ... |
| 19. Agricultural implements (including varat and varatadi) worked or operated exclusively by human or animal agency exclusively used in agricultural operations and the parts thereof which are ordinarily not also used otherwise than as such parts. | ... |
| 20. Bullock carts and spare parts thereof. | ... |
| 21. Cattle-feed (other than mechanically produced cattle-feed) including fodder and concentrates but excluding cotton-seeds and oil cakes. | ... |

1	2	3
22.	Cattle, sheep and goats.	...
23.	Flower, fruit and vegetable seed; seeds of Incerne grass (Rajka) and of sann hemp; bulbs, tubers and plants other than orchids.	...
24.	Manures (excluding chemical fertilisers and oil cakes).	...
25.	Poultry feed.	...
26.	Books and periodicals including almanacs, panchangs, exercise books, drawing books and examination answer books (but excluding catalogues, all publications which mainly publicise goods and articles for commercial purposes, race-cards, account books, diaries, calendars and books containing space exceeding eight pages for writing).	...
27.	Films certified by the State Government to be predominantly educational in nature.	...
28.	Slates and slate pencils; chalk-sticks and crayons; foot-rules; slide-rules, lead pencils; mathematical instrument boxes and school colour boxes.	...
29.	Agate (Akik) stones and articles made therefrom.	...
30.	Charkha and other implements (and spare-parts thereof), used in the production of handspun yarn as may be specified by the State Government by notification in the Official Gazette.	...
31.	Condoms and loops (intra uterine contraceptive devices), and other contraceptives as may be specified by the State Government by notification in the Official Gazette.	...
32.	Handloom and parts thereof.	...
33.	Handloom fabrics of all varieties when sold at a price less than five rupees per meter.	...
34.	Patela sarrees, scarves or other articles woven on handlooms by artisans engaged in patela industry.	When sold by a producer.

1	2	3
35.	(a) Products of Village Industries as defined in the Khadi and Village Industries Commission Act, 1956.	1. When sold by a producer or a dealer certified for this purpose by the Commissioner in the manner prescribed.
	(b) Silk Khadi and ready made garments and other articles prepared from Khadi.	2. When sold by another dealer who has purchased the goods from a producer or dealer certified under condition 1.
	(c) Cotton, silk or wollen yarn handspun in India and articles knitted by hand from such yarn or from a mixture of any two or all such yarns.	
	<i>Explanation.</i> —For the purposes of this entry “Khadi” means any cloth woven on handloom in India from cotton, silk or woollen yarn handspun in India or from the mixture of any two or all such yarns, and “Silk Khadi” means cloth woven on handloom in India from silk yarn handspun in India.	
36.	Pure silk kinkhab fabrics,	When sold by a producer or a dealer certified for this purpose by the Commissioner.
	<i>Explanation.</i> —(1) “Kinkhab fabrics” means handloom cloth inter woven with pure silk yarn and jari thread in which the design or patterns are made without the use of jacquard or dobbies or both.	
	(2) “Pure silk fabrics” means cloth of which the content (excluding the jari thread content) is not less than (ii) per cent of pure silk.	
37.	Cotton fabrics as defined in Item No. 19 of the First Schedule to the Central Excises and Salt Act, 1944.	...
38.	Electrical energy.	
39.	Motor spirit as defined in the Bombay Sales of Motor Spirit Taxation Act, 1958.	...
40.	Rayon or artificial fabrics as defined in Item No. 22 of the First Schedule to the Central Excises and Salt Act, 1944.	...
41.	Stamp-papers sold by vendors duly authorised under the provisions of the Bombay Stamp Act, 1958, or the Indian Stamp Act, 1899.	...
42.	Sugar as defined in Item No. 1 of the First Schedule to the Central Excises and Salt Act, 1944.	...

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| 1 | 2 | |
| 43. | Tobacco as defined in Item No. 4 of the First Schedule to the Central Excises and Salt Act, 1944. | ... |
| 44. | Woollen fabrics as defined in Item No. 21 of the First Schedule to the Central Excises and Salt Act, 1944. | ... |
| 45. | Glass bangles and ivory bangles (chudas and chudis) not ornamented in any manner. | ... |
| | <i>Explanation.</i> —Colouring of ivory bangles (chudas and chudis) shall not be considered as ornamentation. | |
| 46. | <i>Kumkum</i> | ... |
| 47. | <i>Mangalsutra</i> sold at a price not exceeding rupees two hundred and fifty each. | ... |
| 48. | Chillies, chilly powder, tamarind and turmeric, whole or powdered. | ... |
| 49. | Coconut in shell and separated kernel of coconut other than Copra. | ... |
| 50. | <i>Doshi Nalia.</i> | |
| 51. | Readymade garments and articles (excluding hosiery goods and garments and articles to which entry 35 of this Schedule applies) prepared from any textile or handloom fabrics including those which have been embroidered or otherwise decorated sold at a price not exceeding ten rupees per article or suit. | ... |
| 52. | Footwear made by hand without using power when sold at a price not exceeding fifteen rupees per pair. | ... |
| 53. | Gur but not including Kakavi or Kakab or molasses. | ... |

SCHEDULE II-PART A

(See section 7)

Goods, the sale or purchase of which is subject to sales tax or purchase tax and the rates of tax.

Serial No.	Description of goods	Rate of sales tax	Rate of purchase tax
1	2	3	4
1.	Coal including coke in all its forms	Three paise in the rupee	Three paise in the rupee
2.	Cotton yarn, but not including cotton yarn waste.	Do	Do
3.	Iron and steel, that is to say—	Do	Do
	(a) pig iron and iron scrap ;		
	(b) iron plates sold in the same form in which they are directly produced by the rolling mill ;		
	(c) steel scrap, steel ingots, steel billets, steel bars and rods ;		
	(d) (i) steel plates sold in the same		
	(ii) steel sheets form in which		
	(iii) steel bars they are direc-		
	and tin bars tly produced		
	(iv) rolled steel by the rolling		
	sections mill.		
	(v) toll-alloy		
	steel		

1	2	3	8
4.	Pure silk fabrics (not being silk Khadi to which entry 35 in Schedule I applies, or fabrics woven on handloom and sold at a price less than rupees five per metre or pile carpets, braids, borders, laces and trimmings).	Do	Do
	<i>Explanation.</i> —“Pure silk fabrics” means fabrics of which the content (excluding the jari thread content) is not less than 60 per cent of pure silk.		
5.	Agricultural machinery and implements (other than implements specified in entry 19 in Schedule I) exclusively used in agricultural operations and spare parts of such machinery and implements.		
6.	Artificial silk yarn including artificial silk yarn waste.	Do	Do
7.	Chemical fertilisers	Do	Do
8.	Cotton yarn waste and cotton waste	Do	Do
9.	Dyes and chemicals other than those specified in any other entry in this or any other Schedule.	Do	Do
10.	Furnace oil	Do	Do
11.	Groundnut husks (fotri)	Do	Do
12.	The following articles, that is to say—	Do	Do
	(i) gunny bags and hessian		
	(ii) jute twine		
	(iii) brown paper and other paper adapted for use in packing goods	Do	Do
	(iv) cardboard boxes and cartons		
	(v) empty tins and empty barrels		
	(vi) wooden boxes (Khokhas) and tin boxes		
	(vii) empty bottles and corks.		
	(viii) polythene packing materials		
	(ix) paper labels		
	and such other packing materials as the State Government may, by a notification in the Official Gazette, specify for the purpose of this entry.		
13.	Handloom fabrics of all varieties (excluding those fabrics to which entries 37, 40 and 44 of Schedule I apply) when sold at a price not less than five rupees per meter.		
14.	Kerosene	Do	Do
15.	Lubricants	Do	Do
16.	(1) Machinery used in the manufacture of goods excluding machinery specified in any other entry in this or any other Schedule		
	(2) Electric motors and oil engines and spare parts and accessories thereof.		
17.	Raw silk and silk yarn including waste thereof.	Do	Do
18.	(a) Ready-made garments and articles (not being garments and articles to which entry 35 in Schedule I applies) prepared from any textile or handloom fabrics including those which have been embroidered or otherwise decorated when sold at a price exceeding ten rupees per article or suit.	Do	Do
	(b) Mesicry goods.		

1	2	3	4
19.	Safety matches (excluding matches ordinarily used as fire-works).	Do	Do
20.	(1) Sarees of all kinds embroidered or otherwise decorated.	Do	Do
	(2) Fabrics of all kinds embroidered or otherwise Decorated		
	<i>Explanation.</i> —(i) A saree or fabric decorated in the process of its weaving shall not be deemed to be a decorated saree or fabric for the purpose of this entry.		
	(ii) Merely to tie the ends or to untie the end by removing weft thread would not be considered decoration.		
21.	Staple fibre and staple fibre yarn, terylene fibre yarn and all other synthetic fibres and synthetic yarns (other than those specified in any other entry in this or any other Schedule) including waste thereof.	Do	Do
22.	Steam.	Do	Do
33.	Starches and maize flour and tapioca flour.	Do	Do
24.	Woollen yarn (other than knitting yarn) but including woollen yarn waste.	Do	Do
35.	Mechanically produced cattle feed.	Do	Do
26.	(1) Drugs and medicines (other than those specified in entry 12 in Schedule I and entry 96 in this Schedule).	Do	Do
	(2) Vitaminised infant milk food sold in sealed containers.		
27.	Sheets, rods, bars slabs blocks, ingots, circles and scrap of non-ferrous metals and alloys.	Five paise in the rupee	Five paise in the rupee
28.	Betel nuts	Do	Do
29.	Bricks and roofing tiles (other than deshi nalla)	Do	Do
30.	Caustic soda, soda ash and silicate of soda.	Do	Do
31.	Paper, including newsprint and straw boards and card boards but excluding paper specified in entry 12 in this Schedule.	Do	Do
32.	Petroleum products, including light diesel oil but excluding lubricants, kerosene, solvent oil, furnace oil and also excluding motor spirit declared tax free under entry 39 in Schedule I.	Do	Do
38.	Sewing machines and spare parts and accessories thereof.	Do	Do
34.	Soaps (excluding shampoo).	Do	Do
35.	Rain coats and umbrellas of all kinds.	Six paise in the rupee	Six paise in the rupee
36.	(1) Tractors and spare parts and accessories thereof	Do	Do
	(2) Water pumps and water pumping sets.		
37.	Zari thread and embroidery materials of gold, silver and gilded metal including badla, kasab, champa, gota and full thappa.	Do	Do
38.	Cakes, pastries and biscuits (other than biscuits declared tax free under entry 1 in Schedule I).	Seven paise in the rupee	Seven paise in the rupee

1	2	3	4
39.	Bicycles, trycles, tandem cycles and cycles combinations and tyres, tubes and accessories and parts thereof.	Do	Do
40.	Coal gas (other than that declared tax free under entry 6 in Schedule I or specified in entry 88 in this Schedule).	Do	Do
41.	Electrical goods (other than those specified in entry 92 in this Schedule) not being machinery used in the manufacture of goods and spare parts and accessories of such machinery.	Do	Do
42.	Glassware, chinaware or articles made of porcelain and glazed earthenware.	Do	Do
43.	Timber (excluding firewood and wood specified in entry 6 of Schedule I), flush doors of plywood and bamboo whether whole or split.	Do	Do
44.	Ice-cream, kulfi and non-alcoholic drinks containing ice-cream.	Do	Do
45.	Jewellery, (not being articles specified in entry 2 in Schedule III) and precious stones, synthetic or artificial precious stones and pearls, real, artificial or cultured.	Do	Do
46.	Musical instruments.	Do	Do
47.	Natural and associated gas (other than inflammable gas supplied in closed containers as specified in entry 88 in this Schedule.)	Do	Do
48.	Pepper and other spices,	Do	Do
49.	Spectacles and lenses, goggles and glasses rough blanks and spectacle frames and parts and accessories used therewith.	Do	Do
50.	Sweets and sweetmeats (including shrikhand, besudi and doodhpak) except when sold in sealed containers of weight not exceeding five kilograms in each container.	Do	Do
51.	Timru leaves.	Do	Do
52.	X-Ray apparatus and films, plates and other equipment required for use therewith and spare parts and accessories thereof.	Do	Do
53.	(1) Cement	Eight Eight paise paise in the in the rupee rupee	
	(2) Articles made of cement, that is to say, articles in making of which cement is used irrespective of the proportion in which it is used excluding floor and wall tiles.		
54.	Crude oil, that is to say, petroleum in its natural state before it has been refined or otherwise treated	Do	Do
55.	Hydrogenated vegetable oils including vanaspathi.	Do	Do
56.	Floor and wall tiles	Nine paise in the rupee	Nine paise in the rupees

1	2	3	4
57.	Coffee, chicori and tea in leaf or powder	Ten paise in the rupee	Ten paise in the rupee
58.	Fire works including matches and other substances ordinarily used as fire works.	Do	Do
59.	Ice.	Do	Do
60.	Lifts whether operated by electricity or hydraulic power.	Do	Do
61.	Paints, lacquers and varinishes.	Do	Do
62.	Plywood, decorative sheets, such as formica sanmica and others and articles prepared from plywood and decorative sheets.	Do	Do
63.	Vacuum flasks of all kinds including thermoses.	Do	Do
64.	Footwear (other than footwear specified in entry 52 in Schedule I)	Do	Do
65.	Aerated waters and all non-alcoholic beverages (including fruit juices, squashes, syrups and cordials) when sold in sealed or capsuled or corked bottles or jars.	Do	Do
66.	Component parts of motor lorries and other articles (including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of such lorries not being such articles as are ordinarily also used otherwise than as such parts and accessories.	Do	Do
67.	Furniture (other than that specified in entry 73 of of this Schedule) and skeletons thereof excluding wooden cradles (ghodia) and frames of wooden charpai (khatia).	Do	Do
68.	Braids, borders, laces and trimmings (excluding those to which entries 37, 40 and 44 of Schedule I apply).	Eleven paise in the rupee	Eleven paise in the rupee
69.	Air-conditioning plant and spare parts and accessories thereof.	Twelve paise in the rupee	Twelve paise in the rupee
70.	Cinematographic equipments including cameras projectors and sound recording and reproducing equipments, lenses and films required for use therewith and spare parts and accessories thereof but excluding films certified by the State Government to be predominantly educational in nature.	Do	Do
71.	Clocks, time pieces and watches and spare parts and accessories thereof.	Do	Do
72.	Dictaphone and other similar apparatus for recording sound and spare parts and accessories thereof.	Do	Do
73.	Iron and steel safes, almirahs and furniture; upholstered furniture and skeletons of any of them.	Do	Do
74.	(1) Motor vehicles including motor cars, motor taxi cabs, motor cycles, motor cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans, motor lorries and chasis of motor vehicles,	Do	Do

1	2	3	4
	(2) Component parts of motor vehicles (other than the component parts of motor lorries as specified in entry 66 of this Schedule) specified in sub-entry (1) and other articles including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of such vehicles, not being such articles as are ordinarily also used otherwise than as such parts and accessories.	Do	Do
75.	Photographic and other cameras and enlargers, lenses, paper, films and plates required for use therewith and spare parts and accessories thereof	Do	Do
76.	Refrigerators and mechanical watercoolers and spare parts and accessories thereof.	Do	Do
77.	(1) Sound transmitting equipment including telephones, loudspeakers and electrically operated gramophone record changers and spare-parts and accessories of such equipments (but excluding sound amplifying apparatus carried on the person and adapted for use as a hearing aid).	Do	Do
	(2) Gramophones of every description and component parts thereof and gramophone records.	Do	Do
78.	Tabulating, calculating, cash registering, indexing, card punching, franking and addressing machines and spare parts and accessories of such machines.	Do	Do
79.	Typewriting and duplicating machines and teleprinters and tape recorders including tape for use in connection therewith and spare parts and accessories thereof.	Do	Do
80.	Wireless reception instruments and apparatus and radio gramophones and electrical valves, batteries, transmitters accumulators, amplifiers and loud-speakers required for use therewith and spare parts and accessories of such wireless instruments, apparatuses and radio gramophones.	Do	Do
81.	Aeroplanes and spare parts and accessories thereof.	Do	Do
82.	Arms including rifles, revolvers, pistols and ammunition thereof and spare parts and accessories thereof.	Do	Do
83.	Binoculars, telescopes opera glasses and spare parts and accessories thereof.	Do	Do
84.	Cigarette cases and lighters.	Do	Do
85.	Culinary and flavouring essences.	Do	Do
86.	Furs and articles of personal or domestic use made therefrom.	Do	Do
87.	Gold and silver filigree.	Do	Do
88.	Inflammable gas supplied in closed containers.	Do	Do
89.	Marble and articles made of marble.	Do	Do
90.	Pile carpets (excluding shetranji)	Do	Do
91.	Solvent oil	Do	Do

Sr. No.	Description of goods	Rate of sales tax	Rate of purchase tax
1	2	3	4
92	Domestic electrical appliances including electric fans and fluorescent tubes (including chokes, starters, fixtures and fittings and accessories) and other parts appertaining to such appliances but excluding bulbs.	Thirteen paise in the rupee	Thirteen paise in the rupee
93	Ganja and bhang	Fifteen paise in the rupee	Fifteen paise in the rupee
94	Non-potable liquors, that is— (a) rectified spirit ; (b) denatured spirit ; (c) methyl alcohol ; (d) absolute alcohol ; (e) any other liquor which the State Government may, by notification in the Official Gazette, declare to be non-potable for the purposes of this entry.	Do	Do
95	Opium	Fifteen paise in the rupee	Fifteen paise in the rupee
96	Spirituos medicinal preparations containing more than 12 percent by volume of alcohol (but other than those which are declared by the State Government by notification in the Official Gazette to be not capable of causing intoxication).	Thirty paise in the rupee	Thirty paise in the rupee
97	Country liquors, that is, all liquors other than foreign liquors manufactured in India, and foreign liquors, that is, potable foreign liquors brought into or manufactured in India including spirit, wines and fermented liquors.	Forty five paise in the rupee	Forty five paise in the rupee

SCHEDULE II-PART B

(See section 8)

Goods, the sale or purchase of which is subject to general sales tax or purchase tax and the rates of tax

Sr. No.	Description of goods	Rate of general sales tax	Rate of purchase tax
1	2	3	4
1	Cotton, that is to say, all kinds of cotton (indigeneous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed or otherwise but not including cotton waste.	Three paise in the rupee	Three paise in the rupee
2	Cotton seed	Do	Do

1	2	3	4
3	Ground nut	Do	Do
4	Hides and skins, whether in a raw or dressed state	Do	Do
2	Jute, that is to say, the fibre extracted from plants belonging to the species corchorus capsularis and corchorus olitorius and the fibre known as mesta or bimli extracted from plants of the species hibiscus cannabinus and hibiscus sabdariffavar altissima, whether baled or otherwise.	Do	Do
6	Oil seeds, that is to say, seeds yielding non-volatile oils used for human consumption, or in industry or in the manufacture of varnishes, soaps and the like, or in lubrication, and volatile oils used chiefly in medicines, perfumes, cosmetics and the like, but not cotton seeds and groundnuts.	Do	Do
7	Butter and ghee.	Do	Do
8	Kakavi or kakab or molasses	Do	Do
9	Isabgul	Do	Do
10	Jira (Cumin seeds), methi (fenugru seeds), ajma (ajwa), kalingada seeds and asalia	Do	Do
11	Oil cakes	Do	Do
12	Raw wool and wooll tops	Do	Do
13	Vegetable non essential oils other than hydrogenated vegetable oils	Five paise in the rupee	Five paise in the rupee

SCHEDULE III

(See section 10)

Goods, the sale or purchase of which is subject to sales tax, general sales tax or purchase tax and the rates of sales tax and general sales tax.

No. Sr.	Description of goods	Rate of sales tax	Rate of general sales tax
1	2	3	4
1	Bullion and specie.	One-fourth of one per cent	One-fourth of one per cent
2	Articles made of gold (of fineness of not less than fifty percent) and of silver (of fineness of not less than fifty percent) both not containing precious stones or pearls whether real, artificial or cultured of a value exceeding one tenth of the value of each such article.	Do	Do
3	Hair combs, hair pins, hair brush, razor and razor blade, shaving brush, shaving soap shaving cream, shaving stick and tooth brush.	Five paise in the rupee	Three paise in the rupee

4 All kinds of stoves, pressure lamps, incandescent lanterns and lamps, and cookers, and spareparts and accessories of any of these articles.	Do	Do
5 Fountain pens, stylograph pens, ball-point pens and propelling pencils and spareparts and accessories of such pens and pencils.	Do	Do
6 Foodstuff and food provisions of all kinds including dried fruits and dried vegetables; raw, semi-cooked, semiprocessed or ready to serve foods, pickles, sauces, jams, marmalades, jellies; preserved fruit and honey) when sold in sealed containers of weight not exceeding five kilograms in each container, but excepting whole, separated or reconstituted milk, milk products, as specified in entry 7 in Schedule II Part B, vitaminised infant milk food sold in sealed containers as specified in entry 26 in Schedule II Part A, edible oil, chilly powder and salt.	Five paise in the rupee.	Three paise in the rupee
7 Hair oils	Six paise in the rupee	Three paise in the rupee
8 Suit cases, attachee cases and despatch cases but excluding steel trunks and school bags made of steel or aluminum.	Seven paise in the rupee	Three paise in the rupee
9 Perfumes, natural and synthetic essential oils and their compounds and aromatic chemicals and their compounds, depilatories and cosmetics.	Do	Do
10 Table cutlery including knives, forks and spoons.	Ten paise in the rupee	Three paise in the rupee
11 Articles of ivory other than ivory bangles (<i>chudas</i> and <i>chudis</i>) not ornamented in any manner, sandalwood or black wood or inlaid therewith and ornamental metalware (not being articles specified in entry 2 in this Schedule.)	Do	Do
12 Toilet articles, that is to say, all articles used in cleansing or grooming parts, of human body including hair cream, hair tonics, shampoo and dentifrices of all kinds but excluding soap.	Ten paise in the rupee	Three paise in the rupee
13. All goods other than those specified from time to time in section 18 and in Schedules I and II and in the preceding entries.	Five paise in the rupee	Three paise in the rupee

The Bombay Provincial Municipal Corporations (Gujarat Amendment and validating Provisions) Act, 1970

The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st March 1970 was published in the *Gujarat Govt. Gazette*, Ext., Part IV, No. 5, dated March 31, 1970/Chaitra 10, 1892.

Gujarat Act No. 5 of 1970.

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 for certain purposes.

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment and Validating Provisions) Act, 1970.

2. *Amendment of section 2 of Bom. LIX of 1949.*—In the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) (hereinafter referred to as “the principal Act”), in section 2,—

(1) before clause (1) the following clause shall be, and shall be deemed always to have been, inserted, namely:—

“(1A) “annual letting value” means,—

(i) in relation to any period prior to 1st April, 1970, the annual rent for which any building or land or premises, exclusive of furniture or machinery contained or situate therein or thereon, might, if the Bombay Rents, Hotel and Lodging House Rates Control Act 1947 (Bom. LVII of 1947) were not in force, reasonably be expected to let from year to year with reference to its use;

(ii) in relation to any other period, the annual rent for which any building or land or premises, exclusive of furniture or machinery contained or situate therein or thereon, might reasonably be expected to let from year to year with reference to its use;

and shall include all payments made or agreed to be made to the owner by a person (other than the owner) occupying the building or land or premises on account of occupatin taxes, insurance or other charges incidental thereto:

Provided that, for the purpose of sub-clause (ii),—

(a) in respect of any building or land or premises the standard rent of which has been fixed under section 11 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 the annual rent thereof shall not exceed the annual amount of the standard rent so fixed;

(b) in the case of any land of a class not ordinarily let, the annual rent of which cannot in the opinion of the Commissioner be easily estimated, the annual rent shall be deemed to be six per cent of the estimated market value of the land at the time of assessment;

(c) in the case of any building of a class not ordinarily let, or in the case of any industrial or other premises of a class not ordinarily let or in the case of a class of such premises the building or buildings in which are not ordinarily let, if the annual rent thereof cannot in the opinion of the Commissioner be easily estimated, the annual rent shall be deemed to be six per cent of the total of the estimated market value, at the time of the assessment, of the land on which such building or buildings stand or, as the case may be, of the land which is comprised in such premises, and the estimated cost, at the time of the assessment, of erecting the building, or as the case may be, the building or buildings comprised in such premises;”;

(2) for clause (54), the following shall be, and shall be deemed always to have been, substituted, namely:—

“(54) “rateable value” means the value of any building or land fixed, whether with reference to any given premises or otherwise, in accordance with the provisions of this Act and the rules for the purpose of assessment to property taxes;”

3. *Amendment of section 5 of Bom. LIX of 1949.*—In section 5 of the principal Act, in sub-section (4), for the words “twenty years” the words “thirty years” shall be, and shall be deemed always to have been, substituted.

4. *Amendment of section 49 of Bom. LIX of 1949.*—In section 49 of the principal Act, in sub-section (1),—

(1) for the words “such of the duties of the Commissioner” the words “such of the duties of the Commissioner, including powers and duties of a judicial or quasi-judicial nature,” shall be, and shall be deemed always to have been, substituted;

(2) after the first proviso, the following further proviso shall be, and shall be deemed always to have been, added, namely:—

“Provided further that nothing in this sub-section shall be deemed to empower the Commissioner to issue any order regulating the exercise of powers or performance of duties of a judicial or quasi-judicial nature deputed by him.”

5. *Amendment of section 69 of Bom. LIX of 1949.*—In section 69 of the principal Act, in sub-section (1)—

(1) after the words “powers, duties or functions” the words “including powers, duties or functions of a judicial or quasi-judicial nature” shall be, and shall be deemed always to have been, inserted;

(2) the following proviso shall be, and shall be deemed always to have been, added, namely:—

“Provided that nothing in this sub-section shall be deemed to empower—

(i) the Commissioner or the Transport Manager to exercise control over, or

(ii) the State Government, the Corporation, the Commissioner or the Transport Manager to prescribe any conditions or limitations in regard to, the exercise, performance or discharge of powers, duties or functions of a judicial or quasi-judicial nature by a municipal officer under this sub-section.”

6. *Amendment of section 129 of Bom. LIX of 1949.*—In section 129 of the principal Act, to clause (b), the following proviso shall be, and shall be deemed always to have been added, namely:—

“Provided that when determining under section 99 or section 150 the rate at which conservancy tax shall be levied for any official year or part of an official year, the Corporation may determine different rates for different classes of properties.”

7. *Amendment of section 137 of Bom. LIX of 1949.*—In section 137 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that if the Corporation shall have determined for any official year any different rate of conservancy tax for any class of properties to which any of the properties referred to in this sub-section belongs, the Commissioner shall not, without the previous approval of the Corporation, fix, for such official year or part thereof, the conservancy

tax to be paid in respect of any property belonging to such class for which such different rate may have been determined by the Corporation, at any other different rate under this sub-section."

8. *Insertion of new section 139A in Bom. LIX of 1949* --After section 139 of the principal Act, the following new section shall be and shall be deemed always to have been, inserted, namely :—

"139A. *Apportionment of responsibility for property tax when the premises assessed are let or sub-let.*—(1) If any building or land or premises assessed to any property tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of section 139, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the building or land or premises are sub let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property tax which would be leviable in respect of the said building or land or premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives, and the amount of rent which he pays.

(3) The provisions of this section shall apply only in relation to the property tax levied for any period prior to 1st April 1970 referred to in sub-clause (i) of clause (1A) of section 2."

9. *Amendment of section 152A of Bom. LIX of 1949.*—In section 152A of the principal Act,—

(1) In sub-section (1),—

(i) for the words, brackets and figures "Bombay Provincial Municipal Corporations (Gujarat Amendment) Act 1968 as if the said Act" the words, brackets and figures "Bombay Provincial Municipal Corporations (Gujarat Amendment) Act, 1968 and the Bombay Provincial Municipal Corporations (Gujarat Amendment and Validating Provisions) Act, 1970, as if the said Acts" shall be substituted ;

(ii) for the words "commencement of the said Act" the words "commencement of the aforesaid Acts" shall be substituted ;

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Notwithstanding anything contained in any judgment, decree or order of any court, it shall be lawful and shall be deemed always to have been lawful, for the Municipal Corporation of the City of Ahmedabad to withhold refund of the amount already collected or recovered in respect of any of the property taxes to which sub-section (1) applies till assessment or re-assessment of such property taxes is made, and the amount of tax to be levied and collected is determined under sub-section (1) :

Provided that the Corporation shall pay simple interest at the rate of six per cent per annum on the amount of excess liable to be refunded under sub-section (2), from the date of decree or order of the court referred to in sub-section (1) to the date on which such excess is refunded."

10. *Amendment of section 406 of Bom. LIX of 1949.*—In section 406 of the principal Act, in sub section (2),—

(1) for the words “shall be heard” the words “shall be entertained” shall be substituted ; and

(2) the following proviso shall be added after clause (e), namely :—

“Provided that where in any particular case the Judge is of opinion that the deposit of the amount by the appellant will cause undue hardship to him the Judge may in his discretion dispense with such deposit or part thereof, either unconditionally or subject to such conditions as he may deem fit.”

11. *Amendment of section 411 of Bom. LIX of 1949.*—In section 411 of the principal Act, after clause (a) the following clause shall be inserted, namely :—

“(bb) from any order of the Judge under the proviso to sub-section (2) of section 406 ; and ;”

12. *Amendment of Chapter VIII of Schedule A to Bom. LIX of 1949.*—In Schedule A to the principal Act, in Chapter VIII,—

(i) in sub rule (3) of rule 7, for the words “annual rent for which such building, land or premises might reasonably be expected to let from year to year a sum equal to ten per cent of the said annual rent” the words “annual letting value of such building, land or premises a sum equal to ten cent of such annual letting value” shall be, and shall be deemed always to have been, substituted; and

(ii) in sub rule (1) of rule 42, for the words “is preferred” the words “is preferred or entertained” shall be substituted

13. *Validation of investigation and disposal of complaints by certain officers and of determination of special rate of conservancy tax Corporation or Commissioner.*—Notwithstanding anything contained in any judgment, decree or order of any court or tribunal or any other authority,—

(1) no investigation or disposal of a complaint under rule 18 of the Taxation Rules contained in Chapter VIII of Schedule A to the principal Act, made by a Deputy Municipal Commissioner, Assistant Municipal Commissioner or any other municipal officer in exercise or discharge, or purported exercise or discharge, of the powers, duties or functions of the Commissioner, deputed or delegated, or purported to have been deputed or delegated, to him under the principal Act, at any time before the commencement of the Bombay Provincial Municipal Corporations (Gujarat Second Amendment and Validating Provisions) Ordinance, 1969 (Guj. Ord. 6 of 1969.) (hereinafter referred to as the said Ordinance), shall be deemed to have been invalidly made by reason of the powers, duties or functions so deputed or delegated or purported to have been so deputed or delegated, being of a judicial or quasi-judicial nature, and any such investigation and disposal of complaint shall be deemed to be valid and shall be deemed always to have been validly made under the provisions of the principal Act as if the principal Act authorised the deputation or delegation of such powers, duties and functions at the time when such deputation or delegation was made as also at the time when such investigation or disposal was made; and no such investigation or disposal of complaint or any entry made in any assessment book pursuant thereto or any levy of tax made or bill or notice of demand or distress or attachment issued or executed for collection of taxes entered in any assessment book pursuant to such investigation and disposal of any complaint as aforesaid shall be called in question in any court or before any tribunal or authority merely on the ground that the Deputy Municipal Commissioner, the Assistant Municipal Commissioner or, as

the case may be, the municipal officer concerned who investigated and disposed of the complaint had no jurisdiction, power or authority to do so, or on any ground consequential thereto;

(2) no determination of any special or different rate of conservancy tax by a Municipal Corporation constituted by or under the principal Act in respect of any hotel, club, stable, industrial premises or other large premises in exercise or purported exercise of its powers under any of the provisions of the principal Act, at any time before the commencement of the said Ordinance, shall be deemed to have been invalidly made by reason of the Corporation having no power to determine such rate at the time when such determination was made; and any such determination shall be deemed to be valid and shall be deemed always to have been validly made under the provisions of the principal Act as amended by this Act as if this Act had been in force at the time when such determination was made; and no such determination of different or special rate of conservancy tax, or any entry of tax made in any assessment book pursuant thereto, or any levy of such tax or bill or notice of demand or distress or attachment issued or executed for collection of such tax, shall be called in question in any court or before any tribunal or authority merely on the ground that the Corporation had no power or authority to determine such different or special rate of conservancy tax in respect of any hotel, club, stable, industrial premises or other large premises or on any ground consequential thereto.

14. *Repeal of Guj. Ord. 6 of 1969.*—The Bombay Provincial Municipal Corporations (Gujarat Second Amendment and Validating Provisions) Ordinance, 1969 (Guj. Ord. 6 of 1969) is hereby repealed and the provisions of section 7 and 25 of the Bombay General Clauses Act, 1904 (Bom. 1 of 1904), shall apply to such repeal as if that Ordinance were an enactment.

The Gujarat Appropriation Act, 1970.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st March 1970 was published in the *Gujarat Govt. Gazette*, Part IV, No. 15, dated April 9, 1970/Caitra 19, 1892.

Gujarat Act No. 4 of 1970.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty first day of March, 1971.

[Remaining text omitted.

Editor.]

The Gujarat Legislative Assembly Member's Salaries and Allowances (Amendment) Act, 1970

The following Act of the Gujarat Legislature having been assented to by the Governor on the 4th April 1970 was published in the *Gujarat Govt. Gazette*, Ext. Part IV, No. 16 dated April 16, 1970/Caitra 26, 1892.

Gujarat Act No. 6 of 1970

An Act further to amend the Gujarat Legislative Assembly Members Salaries and Allowances Act, 1960.

It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1970.

2. *Amendment of section 8 of Guj. II of 1960.*—In section 8 of the

Members' Salaries and Allowances Act, 1960,—

(i) for sub-section (5) the following sub-sections shall be substituted, namely :—

“(5) A member and the members of his family who are residing with and dependent on him shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment therein :

Provided that a member shall be entitled to be reimbursed by the State Government with any amount paid by him on account of such attendance or treatment accorded outside such hospital on production by him of a certificate in writing by the medical officer in-charge of such hospital to the effect that the necessary and suitable attendance or treatment was not available in such hospital.

(6) A member shall be entitled to such other facilities, as may be determined by rules or orders.”;

(ii) the existing Explanation shall be numbered as Explanation (1) and after Explanation (1) as so numbered, the following Explanation shall be added, namely :—

“*Explanation* (2).—For the purposes of this section “a member of the family” means the husband, wife, son, daughter, father, mother, brother or sister.”.

Published in the *Gujarat Government Gazette*, Ext., Part IV, No. 11,
dated July 10, 1969/Asadha 19, 1891.

The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1969.

Gujarat Ordinance No. 3 of 1969.

An Ordinance further to amend the Bombay Tenancy and Agricultural Lands Act, 1948 for certain purposes.

Whereas the Legislative Assembly of the State of Gujarat is not in session;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948,) for the purposes hereinafter appearing;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1 *Short title and commencement.*—(1) This Ordinance may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1969.

(2) It shall come into force at once.

2 *Amendment of section 32M of Bom LXVII of 1948.*—In section 32M of the Bombay Tenancy and Agricultural Lands Act, 1948, (Bom. LXVII of 1948) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(3) Notwithstanding the expiry of the period specified in sub-section (2), if the tenant of land to which sub-section (2) applies deposits with the Tribunal within a period of two years after the expiry of the period mentioned in sub-section (2) the entire amount of the price of the land or, as the case may be, the portion of the price, together with interest, as specified in the said sub-section (2), the purchase of the lands shall be deemed not to have become ineffective and the Tribunal shall issue a certificate of purchase to the tenant under sub-section (1).

(4) In the case of the purchase of any land by a tenant which at any time after the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965 (Guj. 36 of 1965), has become ineffective by reason of the failure of the tenant to pay the lump sum within the period fixed under clause (ii) of sub-section (1) of section 32K or the tenant remaining in arrears of four instalments, if such land has not been disposed of by the Collector in the manner provided in sub-section (2) of section 32P, then, if the tenant deposits with the Tribunal within the period of two years after the expiry of the period mentioned in sub-section (2) the entire amount of the price of the land as fixed under section 32K, or, as the case may be, such portion of the price so fixed as may have remained unpaid, together with the interest, if any, payable under section 32K, the purchase of the land shall be deemed not to have become so ineffective and the Tribunal shall issue a certificate of purchase to the tenant under sub-section (1)."

STATEMENT

By Gujarat Act No. 36 of 1965 which came into force on the 29th December, 1965, section 32M of the Bombay Tenancy and Agricultural Lands Act, 1948 was amended so as to extend the period for payment of purchase price by non-permanent tenants in whose case the purchase of land had become ineffective before the aforesaid date by a further period of three years. The period so extended has expired on the 29th December, 1968. A large number of tenants could not avail of the benefit of the said amendment for one reason or the other. It is therefore, necessary to extend this period by a further period of two years i.e. upto the 29th December, 1970. Similarly, it is proposed to amend the said section 32M for the purpose of extending the period for payment of purchase price by tenants in whose cases the purchase of land became ineffective after 29th December, 1965 upto the aforesaid date 29th December, 1970.

2. As the State Legislature is not in session this Ordinance is promulgated.

SHRIMAN NARAYAN,
Governor of Gujarat.

Dated the 9th July, 1970.

The Gujarat Municipalities (Amendment) Act, 1970.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th July 1970, was published in the *Gujarat Government Gazette*, Ext., Part IV, No. 7, dated July 6, 1970/Asadha 15, 1892.

Gujarat Act No. 7 of 1970.

An Act further to amend the Gujarat Municipalities Act, 1968.

It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title*.—This Act may be called the Gujarat Municipalities (Amendment) Act, 1970.

2. *Amendment of section 6 of Guj. 34 of 1964*.—In section 6 of the Gujarat Municipalities Act, 1963, (Guj. 34 of 1964) in sub-section (4), for the words "twenty years" the words "thirty years" shall be, and shall be deemed always to have been, substituted.

The Gujarat Education Cess (Amendment) Act, 1970

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th July 1970, was published in the *Gujarat*

Government Gazette Ext., Part IV, No 8 dated July 15, 1970/Asadha 24, 1892.

Gujarat Act No 8 of 1970

An Act further to amend the Gujarat Education Cess Act, 1962, for certain purposes

It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1 *Short title*—This Act may be called the Gujarat Education Cess (Amendment) Act, 1970.

2. *Amendment of section 12 of Guj. XXXV of 1962*—In section 12 of the Gujarat Education Cess Act 1962 (Guj. XXXV of 1962) (hereinafter referred to as “the principal Act”), for sub-section (1), the following shall be substituted, namely :—

(1) Subject to the provisions of this Act, there shall be levied and collected with effect from the 1st day of April 1970 a tax on lands and buildings situated in an urban area at the following rates, that is to say :—

(a) where a building or land is used for residential purposes or any purpose other than trade, commerce or industry or the carrying on of a profession or business—

(i) if the annual letting value thereof exceeds three hundred rupees but does not exceed one thousand rupees, at the rate of three per cent of the annual letting value;

(ii) if the annual letting value thereof exceeds one thousand rupees but does not exceed two thousand and five hundred rupees, at the rate of five per cent of the annual letting value;

(iii) if the annual letting value thereof exceeds two thousand and five hundred rupees but does not exceed four thousand and five hundred rupees, at the rate of six per cent of the annual letting value; and

(iv) if the annual letting value thereof exceeds four thousand and five hundred rupees, at the rate of seven per cent of the annual letting value; and

(b) where a building or land is used for the purpose of trade, commerce or industry, or the carrying on of a profession or business, at one and half times the rate specified in items (i) to (iv) in clause (a) above in respect of the building or land of corresponding annual letting value”.

3. *Amendment of section 13 of Guj. XXXV of 1962*—In section 13 of the principal Act, in clause (3), for the words “State Government, may” the words “State Government, if it considers it necessary to do so in the public interest, may” shall be substituted.

4. *Amendment of section 19 of Guj. XXXV of 1962*—In section 19 of the principal Act—

(1) in sub-section (1), for the words “be entitled to recover the amount of the tax from the person” the words “be entitled to recover an amount not exceeding half the amount of the tax from the person” shall be substituted;

(2) in sub-section (2), for the words “from the occupiers of the tenements the amounts paid” the words “from the occupiers of the tenements amounts not exceeding half the amounts paid” shall be substituted.

5. *Amendment of section 20 of Guj. XXXV of 1962*—In section 20 of the principal Act—

(1) in sub-section (1), for the words “from his tenant the difference” the words “from his tenant not more than half of the difference” shall be substituted;

(2) in sub-section (2), for the words "from his sub-tenant the difference" the words "from sub-tenant not more than half of the difference" shall be substituted.

6. *Savings*.—Notwithstanding the amendments made in sections 19 and 20 of the principal Act by this Act, a person shall be entitled to recover the amount of tax under the said section 19 or, as the case may be, the amount of difference under the said section 20, in relation to the tax levied for any period prior to the commencement of this Act whether the tax is paid before or after such commencement, as if this Act had not been passed.

Published in the *Gujarat Government Gazette*, Ext., Part IV, No. 9,
dated September 23, 1970/Asvina 1, 1892.

The Gujarat Contingency Fund (Amendment) Ordinance, 1970.
Gujarat Ordinance No. 1 of 1970.

An Ordinance further to amend the Gujarat Contingency Fund Act, 1960.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Contingency Fund Act, 1960 (Guj. IV of 1960).

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement*.—(1) This Ordinance may be called the Gujarat Contingency Fund (Amendment) Ordinance, 1970.

(2) It shall be come into force at once.

2. *Amendment of section 2 of Guj. IV of 1960*.—In section 2 of the Gujarat Contingency Fund Act, 1960 (Guj. IV of 1960), for the words "fifteen crores of rupees" the words "twenty crores of rupees" shall be substituted.

STATEMENT

Section 2 of the Gujarat Contingency Fund Act, 1960 provides that out of the Consolidated Fund of the State, a sum of rupees fifteen crores shall be paid into the Contingency Fund. Circumstances having arisen in which the balance in the Fund is insufficient for meeting the requirements of expenditure on flood relief, pending authorisation by the State Legislature, it has become necessary to increase the aforesaid amount by a sum of rupees five crores. As the State Legislature is not in session, this Ordinance is promulgated.

Ahmedabad,

Dated the 19th September, 1970.

SHRIMAN NARYAN,
Governor of Gujarat.

Published in the *Gujarat Government Gazette*, Ext., Part IV, No. 10,
dated October 7, 1970/Asvina 15, 1892.

The Pharmacy (Gujarat Amendment) Ordinance, 1970
Gujarat Ordinance 2 of 1970.

An Ordinance further to amend the Pharmacy Act, 1948, in its application to the State of Gujarat.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Pharmacy Act, 1948 (8 of 1948), in its application to the State of Gujarat for the purpose hereinafter appearing ;

And whereas instructions of the President as required under the proviso to clause (1) of article 213 of the Constitution have been obtained ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement*.—(1) This Ordinance may be called the Pharmacy (Gujarat Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. *Amendment of section 19A of the Act No. 8 of 1948*.—In section 19A of the Pharmacy Act, 1948 (8 of 1948), in its application to the State of Gujarat, in sub-section (3), for the words “five years” the words “seven years” shall be, and shall be deemed always to have been, substituted.

STATEMENT

On the dissolution of the Bombay State Pharmacy Council after the bifurcation of the State of Bombay, the State Government has under section 19A of the Pharmacy Act, 1948 (8 of 1948), constituted the first Gujarat State Pharmacy Council consisting of nominated members. The term of office of the members of the said first Council under sub-section (3) of the said section 19A expired on 31st December, 1969. As a regular Council under section 19 of the Act could not be constituted before that date on account of the register of Pharmacists not being finalised before that date owing to certain difficulties, it has been found necessary to extend retrospectively the term of office of the members of the existing Council for a further period of two years.

As the State Legislature is not in session and the term of the Council has expired, this Ordinance is promulgated.

Ahmedabad,

Dated the 29th September, 1970.

SHRIMAN NARAYAN,
Governor of Gujarat.

PART VI

Maharashtra Acts & Ordinances

The Maharashtra Fruit Nurseries (Regulation) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 9th September 1969 was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 56, dated September 12, 1969/Bhadra 21, 1891.

Maharashtra Act No. XLV of 1969.

An Act to provide for the licensing and regulation of fruit nurseries in the State of Maharashtra.

Whereas, it is expedient to provide for the licensing and regulation of fruit nurseries in the State of Maharashtra and for matters connected therewith; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Maharashtra Fruit Nurseries (Regulation) Act, 1969.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) "Competent Authority" means a Competent Authority appointed under section 3;

(b) "fruit nursery" means any place, where fruit plants are in the regular course of business propagated and sold for transplantation, but does not include a fruit nursery belonging to, or managed by, the Government;

(c) "fruit plant" means any plant, which can produce edible fruits or nuts, and includes budwood, seedlings, grafts, layers, seeds, bulbs, suckers, rhizomes and cuttings of any such plant;

(d) "owner", in relation to a fruit nursery, means the person who, or the authority which, has the ultimate control over the affairs of such fruit nursery; and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the fruit nursery;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rootstock" means a fruit plant, or part thereof on which any portion of a fruit plant has been grafted or budded;

(g) "scion" means a portion of a fruit plant which is grafted or budded on to a rootstock.

3. *Appointment of Competent Authorities.*—The State Government may, by notification in the *Official Gazette*,—

(a) appoint such persons, being gazetted officers of Government, as it thinks fit to be Competent Authorities for the purposes of this Act; and

(b) define the limits within which a Competent Authority shall exercise the powers conferred and perform the duties imposed on a

Competent Authority, by or under this Act.

4. *Owner of every fruit nursery to obtain licence.*—No owner of a fruit nursery shall, after the expiry of six months from the date of commencement of this Act or from the date on which he first becomes owner of such nursery, whichever is later, conduct or carry on the business of the fruit nursery, except under and in accordance with a licence obtained by him under the provisions of this Act and the rules made thereunder.

Explanation.—Where an owner has more than one fruit nursery, whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such fruit nursery.

5. *Application for grant and renewal of licence.*—(1) Any owner desiring to obtain a licence referred to in the last preceding section shall make an application in writing to the Competent Authority in such form and manner, and accompanied by such licence fee not exceeding rupees fifty, as may be prescribed.

(2) On the receipt of such application, the Competent Authority shall make such inquiry as it considers necessary. If the Competent Authority is satisfied—

(a) that the fruit nursery is suitable for the proper propagation of the fruit plants in respect of which the licence has been applied for ;

(b) that the applicant is competent to conduct such a fruit nursery ;

(c) that the applicant has paid the prescribed licence fee ;

(d) that the applicant fulfils or undertakes to fulfil such other conditions, as may be prescribed, being conditions for ensuring the quality of plants to be propagated, and their sale at a reasonable price ; the Competent Authority shall grant the licence to the applicant. If the Competent Authority is not so satisfied, it may, after giving a reasonable opportunity to the applicant of being heard and after recording a brief statement of the reasons for refusal, refuse to grant the licence, and furnish a copy of such statement to the applicant and returned to him the licence fee which may have been paid by him.

(3) Every licence granted under this section shall be valid for the period specified therein, and may, on an application made to it, be renewed, from time to time, by the Competent Authority for such period, and on payment of such fee, and on such conditions, as may be prescribed. Where the Competent Authority refuses to renew a licence, it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant :

Provided that, no order refusing to renew a licence shall be made, unless the applicant is given a reasonable opportunity of being heard.

6 *Duties of the holder of a licence.*—Every holder of a licence under this Act shall—

(a) undertake to employ only such varieties of the fruit plants specified in the licence in respect of scion or rootstock, for propagation and sale, as may be directed by the Competent Authority;

(b) keep a complete record of the origin or source of every rootstock and every scion showing—

(i) the botanical name, together with the local name, if any, of the rootstock used;

(ii) the botanical name, together with the local name, if any, of the scion used, in raising the fruit plants;

(c) keep a lay-out plan showing the position of every rootstock and scion tree employed in raising the fruit plants;

(d) keep the nursery plots as well as the parent trees used for the propagation of fruit plants free from insect pests and plant diseases;

(e) undertake to prepare the fruit plants in such manner as may be directed by the Competent Authority;

(f) specify in a conspicuous manner on a label the name of every variety of fruit plant enclosed in any package intended for sale, its age as determined in the prescribed manner and the name of the rootstock together with that of the scion of every such fruit plant;

(g) undertake to release for sale or distribution only such fruit plants as are completely free from any kind of insect pest or plant disease;

(h) maintain a register in the form specified by the Competent Authority showing the name of the fruit plant sold to any person, its age, the name of the rootstock and scion and the name and address of the person purchasing it.

7. *Power of State Government to regulate or prohibit import, export or transport of certain fruit plants.*—The State Government may, for the purpose of maintaining the quality of any fruit plants grown in any part of the State or to protect them from injurious insect pests or plant diseases, by notification in the Official Gazette, regulate or prohibit subject to such restrictions and conditions as it may impose, the bringing into, or taking out of, the State or any part thereof, otherwise than across the customs frontiers as defined by the Central Government, or the transport within the State, of any fruit plants of unknown pedigree or affected by any infectious or contagious pests or diseases.

8. *Power to cancel or suspend licences.*—(1) The Competent Authority may suspend or cancel any license granted or renewed under this Act on any one or more of the following grounds, namely:—

(a) that he has parted, in whole or in part, with his control over the fruit nursery, or has otherwise ceased to conduct or hold such fruit nursery;

(b) that, where the maximum rate or price for any variety of any fruit plant has been fixed by the State Government by notification in the Official Gazette, he has sold any such fruit plant at a higher rate or price;

(c) that he has, without reasonable cause, failed to comply with any of the terms and conditions of the licence or any directions lawfully given by the Competent Authority or has contravened any of the provisions of this Act or the rules made thereunder;

(d) on any other prescribed ground.

(2) The Competent Authority may suspend the licence pending the passing of a cancellation order in respect thereof under sub-section (1).

(3) Before passing an order under sub-section (1), the Competent Authority shall inform the licensee the grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against such action.

(4) A copy of every order passed under sub-section (1) or (2) shall be communicated to the licensee forthwith.

9. *Return of licence.*—On the expiry of the period of validity specified in a licence or on receipt of an order suspending or cancelling a licence, the licensee shall return the licence to the Competent Authority:

Provided that, such Authority may, after such expiration, suspension or cancellation, give such reasonable time as it thinks fit to the owner to

enable him to wind up his fruit nursery.

10. *Duplicate licence*.—If a licence granted to an owner is lost, destroyed, mutilated or damaged, the Competent Authority shall, on application and payment of the prescribed fee, issue a duplicate licence.

11. *Appeals*.—(1) Any person aggrieved by an order of a Competent Authority refusing to grant or renew a licence, or suspending or cancelling a licence, may appeal in such form and manner, within such period, and to such authority, as may be prescribed:

Provided that, the appellate authority may entertain the appeal after expiry of the prescribed period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall after giving the appellant an opportunity of being heard, pass such order on the appeal as it thinks fit.

(3) An order passed under this section shall subject to the provisions of the next succeeding section be final.

12. *Revision*.—(1) The State Government may, *suo motu* or on an application made to it by an aggrieved person, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed under this Act, call for and examine the record of any case and may pass such order thereon as it thinks fit:

Provided that, the State Government shall not exercise the power conferred on it by this section, in respect of an order against which an appeal preferred under the last preceding section is pending or, upon application in case an appeal has not been preferred before the expiry of the time-limit therefor.

Provided further that, the State Government shall not pass any order under this section which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.

(2) An order passed under this section shall be final.

13. *Power of entry and inspection*.—(1) For the purpose of ascertaining the position, or examining the working of any fruit nursery or for any other purpose mentioned in this Act or the rules made thereunder, the Competent Authority or any person authorised by it or by the State Government in this behalf, shall have the right at all reasonable hours and with or without assistants,—

(a) to enter into any fruit nursery and to inspect or examine the fruit plants therein;

(b) to order the production of any account book, register, record or other document relating to such nursery and take or cause to be taken extracts from, or copies of, such document;

(c) to ask all necessary questions and examine any person having control of, or employed in connection with, such nursery.

(2) The licensee and all persons employed in connection with the nursery shall afford the Competent Authority or the authorised person all reasonable access and facilities for such inspection and examination as may be required for the purposes aforesaid and shall be bound to answer all questions to the best of their knowledge and belief, to produce documents in their possession and to furnish such other information in relation to the fruit nursery as may be required by such authority or person.

14. *Penalties*.—If any person—

(a) contravenes any of the provisions of this Act, or contravenes the

provisions of any rule made thereunder the contravention of which is made punishable under this section, or

(b) obstructs any officer or person in the exercise of any powers conferred or in the performance of any duty imposed on him by or under this Act;

he shall, on conviction, be punished with fine which may extend to one thousand rupees.

15. *Offences by companies*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals;

(b) “director”, in relation to a firm, means a partner in the firm.

16. *Cognizance of offence*.—No court shall take cognizance of any offence punishable under this Act except on the report in writing of the facts constituting such offence made by the Competent Authority or any officer authorised by the State Government in this behalf.

17. *Jurisdiction of court*.—No court inferior to that of a Presidency Magistrate, or a Magistrate of the first class, shall try any offence punishable under this Act.

18. *Officers and persons exercising powers under this Act to be public servants*.—All officers appointed under this Act and every person authorised to exercise any powers conferred or to perform any duties imposed on him by or under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

19. *Protection of action taken in good faith*.—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

20. *Power to delegate*.—The State Government may, by notification in the Official Gazette, direct that any power or duty which by this Act or by any rule made thereunder is conferred or imposed on the State Government (except the power to make rules), shall in such circumstances and subject to such conditions if any, as may be specified in the notification, be exercised or performed also by any officer or authority subordinate to the State Government.

21. *Rules*.—(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication,

make rules to carry out the purposes of this Act

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the form of and manner of making an application for a licence, the fees for such licence and renewal thereof, the period for which, the conditions subject to which and the form in which a licence may be granted, under section 5;

(b) the other grounds, the contravention of which by the licensee, shall entail suspension or cancellation of the licence under section 8;

(c) the fees payable in respect of a duplicate licence under section 10;

(d) the form and manner in which the period within which and the authority to which, an appeal may be made under section 11, and the procedure to be followed by the appellate authority in disposing of the appeal;

(e) any other matter which is to be or may be prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable under section 14.

(4) Every rule made under this section shall be laid as soon as may be, after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or, the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, from the date of publication of a notification in the *Official Gazette*, of such decision have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

The Maharashtra (Second Supplementary) Appropriation Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 1st September, 1969, was published in the *Maharashtra Govt Gazette*, Ext, Part IV, No 52, dated September 2, 1969/Bhadra 11, 1891.

Maharashtra Act No. XLI of 1969.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1970.

[Remaining text omitted.]

[Editor]

The Maharashtra Miscellaneous Alienation (In-Hyderabad Enclaves) Abolition Amendment Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 17th December, 1969 was published in the *Maharashtra Govt. Gazette*, Ext, Part IV, No. 68, dated December 24, 1969/Pausa 3, 1891.

Maharashtra Act No. LIII of 1969.

An Act to amend the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965.

Whereas, it is expedient to amend the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965 for the purposes hereinafter appearing ; It is hereby enacted in the Twentieth Year the Republic of India as follows :—

1. *Short title*.—This Act may be called the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition (Amendment) Act, 1969.

2. *Substitution of new section for section 25 of Mah. LVI, of 1965*.—In the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965 (Mah. LVI of 1965) (hereinafter referred to as "the principal Act"), for section 25, the following shall be substituted, namely :—

"25. *Compensation to be paid in cash*.—Subject to the provisions of the next succeeding section, the amount of compensation payable under this Act shall be paid in cash."

3. *Amendment of section 30 of Mah. LVI of 1965*.—In section 30 of the principal Act, in sub-section (2), clause (d) shall be deleted.

The Maharashtra (Co-operative Societies (Third Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 21st December 1969 was published in the *Maharashtra of Govt. Gazetes*, Ext., Part-IV, No. 69, dated December 24, 1969 Paus 3, 1891.

Maharashtra Act No. LIV of 1969.

An Act to amend the Maharashtra Co-operative Societies Act, 1960.

Whereas, it is expedient further to amend the Maharashtra Co-operative Societies Act, 1960, (Mah. XXIV of 1961), for the purpose hereinafter appearing ; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title*.—This Act may be called the Maharashtra Co-operative Societies (Third Amendment) Act, 1969.

2. *Insertion of Chapter X-A in Mah. XXIV of 1961*.—After section 110 of the Maharashtra Co-operative Societies Act 1960, (Mah. XXIV of 1960) the following Chapter shall be inserted, namely :—

CHAPTER X-A

INSURED CO-OPERATIVE BANKS

110A *Order for winding up, reconstruction supersession of committee, etc., of insured co-operative bank, not to be made without sanction or requisition of Reserve Bank of India*.—Notwithstanding anything contained in this Act, in the case of an insured co-operative bank—

(i) an order for the winding up, or an order sanctioning a scheme of compromise or arrangement or of amalgamation, or reconstruction (including division or reorganisation), of the bank may be made only with the previous sanction in writing of the Reserve Bank of India ;

(ii) an order for the winding up of the bank shall be made if so required by the Reserve Bank of India in the circumstances referred to in section 13 D of the Deposit Insurance Corporation Act, 1961 ; (47 of 1961).

(iii) if so required by the Reserve Bank of India in the public interest or for preventing the affairs of the bank being conducted in a

manner detrimental to the interests of the depositors or for securing the proper management of the bank, an order shall be made for the supersession (removal) of the committee and the appointment of an administrator therefor for such period or periods, and exceeding five years in the aggregate, as may from time to time be specified by the Reserve Bank of India, and the Administrator so appointed shall, after the expiry of his term of office, continue in office until the day immediately preceding the date of the first meeting of the new committee ;

(iv) an order for the winding up of the bank or an order sanctioning a scheme of compromise or arrangement or of amalgamation or reconstruction (including division or reorganisation) or an order for the supersession (removal) of the committee and the appointment of an administrator therefor made with the previous sanction in writing or on the requisition of the Reserve Bank of India shall not be liable to be called in question in any manner ; and

(v) the liquidator or the insured co-operative bank or the transferee bank, as the case may be, shall be under an obligation to repay the Deposit Insurance Corporation established under the Deposit Insurance Corporation Act, 1961, (47 of 1961) in the circumstances, to the extent and in the manner referred to in section 21 of that Act.

Explanation.—For the purposes of this section, 'an insured co-operative bank' means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961." (47 of 1961).

The Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 11th September 1969, was published in the *Maharashtra Govt. Gazette*, Ext., Part IV, No. 57, dated 12th September, 1969/Bhadra 21, 1891.

Maharashtra Act No. XLVI of 1969.

An Act further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), for the purposes hereinafter appearing, it is hereby enacted in the Twentieth Year of the Republic of the Republic of India as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Amendment of section 244 of Mah. V of 1962*—In section 244 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) (hereinafter referred to as "the principal Act"), after the word and figures "section 242", the words, figures and letter "or section 253C" shall be inserted.

3. *Amendment of section 250 of Mah. V of 1962*—In section 250 of the principal Act, in sub-section (2), after the words "such number of members" the words "not exceeding six" shall be inserted.

4. *Insertion of new section 253C in Mah. V of 1962.*—After section 253B of the principal Act, the following new section shall be inserted, namely :—

“253C. *Provision for voluntary allotment or premature retirement of Government servants falling under section 253B(1)* (1)—If any posts in a cadre of Class III or Class IV service of the State Government falling under sub-section (1) of section 253B have been or are rendered surplus to the requirements of the State Government and are, therefore, required to be abolished, then the State Government or the authorised officer may subject to the provisions in this Chapter and with due regard to the exigencies of service in Zilla Parishads and also in the State Government, by general or special order, finally allot such persons holding posts in that cadre as elect to be allotted to Zilla Parishads to District Technical Service (Class III), District Service (Class III), or as the case may be District Service (Class IV), or permit them to retire prematurely from the service of the State Government from such date as may be specified in the order (not being a date later than ten years from the appointed day). The election shall be conveyed to the State Government or the authorised officer within such time and in such manner as the State Government may by an order in the Official Gazette specify in this behalf. Each of the Zilla Parishads to which such persons are allotted shall take them over from the said date, but such persons who are taken over shall not be entitled to benefits under the provisions of section 246 or to revert to service under the State Government, and thereupon, the provisions of section 242 shall apply in relation to persons so taken over, as they apply in relation to persons finally allotted under that section :

Provided that, the number of persons finally allotted from a cadre to one of more Zilla Parishads and the number of persons permitted to retire prematurely shall not exceed the number of posts rendered surplus to that cadre on the transfer or entrustment of the powers and functions of the State Government to the Zilla Parishad or Parishads :

(2) Where a person is permitted to retire under sub-section (1) he shall be entitled to such terminal benefits as pension or gratuity, or the like (but not compensation) which terminal benefits shall not be less favourable than the benefits he would have been entitled to had his service ceased under the Government on the date specified in the order made under sub-section (1).

(3) A person whose final allotment or premature retirement under sub-section (1) is duly approved may notwithstanding anything contained in section 253B, be continued in service under the State Government or on deputation to the Zilla Parishad, pending such final allotment or retirement.”

5. *Substitution of new section for existing section 255 of Mah. V of 1962.*—For section 255 of the principal Act, the following shall be substituted, namely :—

“255. *Power of State Government to make suitable provisions by order when a District is altered.*—In this section, unless the context otherwise requires—

(a) “*extinguishing local authority*”, in relation to any local area, means the Municipal Council or, where there is no Municipal Council, the Zilla Parishad having jurisdiction over such area immediately before the specified day;

(b) "Municipal Council" means a Municipal Council constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965);

(c) "specified day" means the day from which the boundaries of a District are altered under section 254;

(d) "successor local authority", in relation to any local area, means the Municipal Council or where there is no Municipal Council the Zilla Parishad having jurisdiction over such area from the specified day.

(2) Were during the term of office of the Councillors of any Zilla Parishad,—

(a) any local area is included within a District;

(b) any local area is excluded from a District;

(c) two or more Districts are amalgamated into one District; or

(d) a District is split up into two or more Districts;

the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette, provide for all or any of the following matters, namely:—

(i) in case falling under clause (a), the interim increase in the number of Councillors, by appointment of additional Councillors by the State Government until the normal term of the existing Councillors expires;

(ii) in a case falling under clause (b), the removal of the Councillors, who in the opinion of the State Government, represent the area excluded from the District and the continuance of the remaining Councillors until the normal term of such Councillors expires;

(iii) in a case falling under clause (c), the constitution of an interim Zilla Parishad consisting of such number of Councillors appointed by the State Government as the State Government may determine, until the successor Zilla Parishad is in due course constituted under, this Act;

(iv) in a case falling under clause (d), the appointment of administrators to exercise the powers and to perform the duties and the functions of the successor Zilla Parishads, until such Parishads are in due course constituted under this Act;

(v) the term for which the Councillors appointed under clause (iii) or the administrators appointed under clause (iv) shall hold office, and the manner of holding elections and filling casual vacancies;

(vi) the transfer, in whole or in part, of the assets, rights and liabilities of an existing local authority (including the rights and liabilities under any agreement or contract made by it) to any successor local authorities or the State Government, and the terms and conditions for such transfer;

(vii) the substitution of any such transferee for an existing local authority or the addition of any such transferee as a party to any legal proceeding to which an existing local authority is a party; and the transfer of any proceedings pending before the existing local authority or any authority or officer subordinate to it to any such transferee or any authority or officer subordinate to it;

(viii) the transfer of re-employment of any employees of an existing local authority to, or by, any such transferee or the termination of services of any employees of an existing local authority and the terms and conditions applicable to such employees after such transfer or re-employment of termination ;

(ix) the continuance within the area of an existing local authority of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws, regulations or forms made, issued, imposed, or granted by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under this Act.

(x) the extension and commencement of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions rules, by laws, regulations or forms made, issued, imposed or granted under this Act by, or in respect of, any existing Zilla Parishad and in force within its area immediately before the specified day, to and in, all or any of the other areas of the successor Zilla Parishad in spersession of corresponding appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws, regulations or forms (if any) in force in such other areas immediately before the specified day, until the matters so extended and brought into force are further superseded or modified under this Act ;

(xi) the continuance within the area of an existing local authority of all or any budget estimates, assessments assessment lists, valuations, measurements or divisions made or authenticated by, or in respect of, such existing local authority and in force within its area immediately before the specified day until superseded or modified under the relevant law,

(xii) the removal of any difficulty which may arise on account of any change referred to in clauses (a) to (d).

(3) Where an order is made under this section transferring the assets, rights and liabilities of an existing local authority, then, by virtue of that order, such assets, rights and liabilities of the existing local authority shall vest in and be the assets, rights and liabilities of, the transferee.

(4) (a) Where an order is made under this section, the State Government shall, before the expiry of the term of the Councillors or administrators appointed under paragraph (iii) or (iv), of sub-section (2), take steps in accordance with section 9 of this Act for the purpose of determining the number of Councillors of, and for holding election for, the new Zilla Parishad or Parishads, as the case may be;

(b) the Councillors of the interim Zilla Parishad or of the Zilla Parishad in whose case there is an interim increase or reduction in their number or the administrator or administrators appointed under such order as the case may be, shall, notwithstanding the expiry of the term for which they may have been appointed, continue in office for the area concerned, until immediately before the first meeting of the new Zilla Parishad or Parishads, as the case may be;

(c) save as otherwise provided by or under this section, the provisions of this Act shall mutatis mutandis apply to any such Parishad, its Councillors or administrator.

255A. Abolition of Districts.—When the whole of the local area comprising a District ceases to be a District, with effect from the day on which such local area ceases to be a District—

(i) the Zilla Parishad constituted for such District shall cease to exist or function;

(ii) the Councillors of the Zilla Parishad shall vacate office;

(iii) the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette provide in respect of such area for all or any of the matters specified in paragraphs (vi) to (xii) (both inclusive) of sub-section (2) of section 255 and the provisions of sub-section (3) of that section shall apply to such order."

6. *Substitution of new section for existing section 257 of Mah. V of 1962.*—For section 257 of the principal Act, the following shall be substituted namely :—

"257. *Power of State Government to make suitable provision by order when Block is altered.*—Where during the term of office of members of any Panchayat Samiti, a notification under sub-section (1) of section 256 is issued altering in any manner the boundaries of any Block, the State Government shall by order published in the Official Gazette, provide for all or any of the following matters, that is to say—

(i) in a case where any area is included within any Block, the interim increase in the number of members by appointment of additional members by the State Government until the normal term of the existing members expires;

(ii) in a case where any area is excluded from any Block, the removal of members, who in the opinion of the State Government represent the area excluded from the Block;

(iii) in a case where two or more Blocks are amalgamated into one Block, the constitution of an interim Panchayat Samiti consisting of such number of members appointed by the State Government as the State Government may determine, until the successor Panchayat Samiti is in due course constituted under this Act;

(iv) in a case where any Block or Blocks are divided into two or more Blocks, the appointment of an administrator or administrators to exercise powers and to perform the duties and the functions of the successor Panchayat Samitis until such Panchayat Samitis are in due course constituted under the Act;

(v) the area in respect of which the reconstituted Panchayat Samiti shall function and operate;

(vi) the transfer in whole or in part of the rights and liabilities of the existing Panchayat Samiti to any successor Panchayat Samitis or the State Government and the terms and conditions of such transfer.

(vii) such incidental, consequential and supplementary matters as may be necessary to give effect to any notification issued under section 256."

The Bombay Building Repairs and reconstruction Board Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the president on the 29th September, 1969 was published in the *Maharashtra Govt. Gazette* Ext., Part IV, No. 51, dated October 1, 1969/Asvina 9, 1891.

Maharashtra Act No. XLVII of 1969.

An Act provide for a certain time for the repair or reconstruction of dangerous buildings to Provide for rehousing of dishoused occupiers, and for those purposes to levy an additional cess on buildings and lands; and for matters connected with the purposes aforesaid.

Whereas, the problem of a large number of houses collapsing in Greater Bombay every year, necessitating the evacuation of persons and causing considerable loss of life and property, has been anxiously engaging the attention of the State Government and the Municipal Corporation of Greater Bombay, for some considerable time;

And whereas, the large number of houses collapsing every year is adding greatly to the acute shortage of housing and also posing new problems of law and order, which problems are being aggravated by the unceasing influx of persons into Bombay from almost every part of India in search of work;

And whereas, it has now become necessary to set up a Government agency, with sufficient financial resources and the necessary technical knowledge and with adequate administrative machinery for undertaking the repair or reconstruction of dangerous buildings;

And whereas, proposals for the purpose of enacting suitable legislation for preventing house collapses and salvaging dilapidated buildings were published in Government Notification in the Urban Development, Public Health and Housing Department No. DBR. 1068-E, dated the 3rd June 1968, for eliciting public opinion;

And Whereas, after considering the recommendations, suggestions and objections received by Government, it is considered expedient to provide for a certain time for the establishment of a Board to deal with the problems aforesaid by carrying out structural repairs to dangerous buildings which are imminently likely to fall, by acquiring and reconstructing dilapidated buildings which are beyond repair, and by providing for the rehousing of occupiers who because of such repairs or reconstruction or collapse of buildings are dishoused; to provide for the temporary levy of an additional cess on buildings and lands to meet the expenditure on the matters aforementioned, and to provide for matters connected with the purposes aforesaid; It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent, commencement and duration.*—(1) This Act may be called the Bombay Buildings Repairs and Reconstruction Board Act, 1969.

(2) It extends to Greater Bombay.

(3) The whole of this Act shall, in the first instance, come into force in the City of Bombay, on such date as the State Government may, by notification in the Official Gazette, appoint. The State Government may by notification published in like manner, bring the whole Act into force throughout the remaining part of Greater Bombay, or in different areas therein, on such date or dates as it may appoint.

(4) This Act shall remain in force upto and inclusive of the 31st December 1979, and shall then expire; and section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall apply upon the expiry of this Act, as if it had then been repealed by a Maharashtra Act.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Board" means the Board established under section 3;

(b) "Board premises" means any premises placed at the disposal of the Board for the purposes of this Act, which belong to or vest in the State Government, or are taken on lease by that Government, or are entrusted to the Board by the Corporation or the Maharashtra Housing Board for use;

- (c) "building" includes a tenement let or intended to be let or occupied separately, and a house, out house, stable, shed, hut and every other such structure, but does not include any such building or structure which as a whole, is unauthorised or any building which is a temporary building as defined in clause (sb) of section 3 of the Bombay Municipal Corporation Act (Bom. III of 1888) ;
- (d) "cess" means the tax on buildings and lands levied or leviable under this Act;
- (e) "Chairman" means the Chairman of the Board;
- (f) "Chief Executive Officer" means the Chief Executive Officer of the Board ;
- (g) "Commissioner" means the Municipal Commissioner for Greater Bombay ;
- (h) "Corporation" means the Municipal Corporation of Greater Bombay ;
- (i) "land" includes land which is being built upon or is built upon, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;
- (j) "Member" means a member of the Board, and includes the Chairman or Vice-Chairman of the Board ;
- (k) "non-official Member" means a Member not being an *ex officio* Member ;
- (l) "occupier" shall have the meaning as assigned to it in the Bombay Municipal Corporation Act (Bom. III of 1888) ;
- (m) "owner", when used with reference to any premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes,—
- (i) an agent or trustee who receives such rent on account of the owner ;
- (ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for any premises devoted to religious or charitable purposes ; and
- (iii) a receiver, sequestrator, or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises ;
- (n) "premises" includes any building or a part thereof, let or intended to be let or occupied separately ;
- (o) "prescribed" means prescribed by rules ;
- (p) "rateable value" shall have the meaning as assigned to it in the Bombay Municipal Corporation Act (Bom. III of 1888) ;
- (q) "regulations" means regulations made by the Board under section 60 ;
- (r) "rules" means rules made by the State Government under section 59 ;
- (s) "structural repairs" means repairs of replacement of decayed, cracked, or out of plumb structural components of a building or any substantial part thereof or any part to which the occupiers have common access such as stair cases, passages, water closets or privies by new ones of the like material or materials, or of different material or materials including change in the mode of construction like converting load bearing wall type or timber framed structure to an R.C.C. one, or a combination of both, which repairs or replacement in the option of the Board, if

not carried out expeditiously may result in the collapse of the building or any such part thereof; and when such repairs to any building or any such part thereof are carried out by the Board, the building shall be deemed to be structurally repaired under this Act ;

(t) "year" means a year commencing on the 1st day of April.

CHAPTER II

Establishment, Proceedings and Organisation of the Board.

3. *Establishment of the Board.*—The State Government shall, by notification in the *Official Gazette*, establish for the purpose of this Act, a Board by the name of the "Bombay Building Repairs and Reconstruction Board".

4. *Composition of the Board.*—(1) The Board shall consist of the following members, namely :—

(a) The Deputy Minister for Housing, Maharashtra State, *ex-officio* Chairman ;

(b) The Chairman, Improvements Committee of the Corporation, *ex-officio* Vice-Chairman ;

(c) A Chief Engineer to Government appointed by the State Government, *ex-officio* ;

(d) The Housing Commissioner of the Maharashtra Housing Board *ex-officio* ;

(e) the Deputy Municipal Commissioner (Improvements) of the Corporation *ex-officio* ;

(f) The City Engineer of the Corporation, *ex-officio* ;

(g) Three Councillors of the Corporation appointed by the State Government ;

(h) Two persons appointed by the State Government who, in the opinion of that Government have special knowledge or practical experience in engineering or architecture ;

(i) Two representatives of property owners and two representatives of tenants, appointed by the State Government ;

(j) A Deputy Secretary to Government in the Finance Department appointed by the State Government, *ex-officio* ;

(k) The Deputy Secretary to Government in charge of Housing, *ex-officio*, who shall also be the Secretary of the Board.

(2) The names of the Members appointed under sub section (1) shall be published in the *Official Gazette*.

5. *Term of office and conditions of service of non-official Members.*—

(1) Every non official Member shall hold office for a period of three years from the date of his appointment :

Provided that, the State Government may extend the said period by a further period not exceeding one year :

Provided further that, after the expiry of the period of his appointment, a person shall, unless disqualified or removed, be eligible for re-appointment :

Provided also that where a Councillor of the Corporation is appointed, he shall continue to hold the office of a non-official Member of the Board only so long as he continues to be a Councillor of the Corporation.

(2) Every non-official Member shall receive such allowances for the purpose of meeting the personal expenditure incurred in attending the meeting of the Board or in performing any other functions as such Member, as may be prescribed.

(3) The allowances to the non-official Members shall be paid from the Fund of the Board.

6. *Resignation of non-official Members*—Any non-official Member may at any time resign his office by writing under his hand addressed to the State Government, and upon the acceptance thereof the office of the Member shall become vacant.

7. *Temporary absence of Members*.—If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under the Act or any rules or regulations made thereunder.

8. *Disqualifications of non-official Members*.—(1) A person shall be disqualified for being appointed or continuing as a non-official Member, if he—

(a) holds any office or place of profit under the State Government;
(b) is of unsound mind, and stands so declared by a competent Court;

(c) is an undischarged insolvent;

(d) has directly or indirectly by himself or by any partner, any share or interest in any contract or employment with, by or on behalf of, the State Government in connection with the affairs of the Board;

(e) is a Director or a Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with by or on behalf of, the State Government in connection with the affairs of the Board; or

(f) has been or is convicted of any offence involving moral turpitude.

(2) A person shall not, however, be disqualified under clause (d) or (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his or the incorporated company of which he is a Director, Secretary, Manager or other Salaried Officer having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board is inserted.

(3) A person shall not also be disqualified under clause (d) or (e) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment within the meaning of those clauses, by reason only of his being a shareholder of such company :

Provided that, such person discloses to the State Government the nature and extent of the shares held by him.

9. *Removal of Members*.—If the State Government is of opinion that any Member is guilty of misconduct in the discharge of his duties, or is incompetent to perform or has become incapable of performing his duties as a Member or should for any other good and sufficient reason be removed, the State Government may, after giving the Member an opportunity to show cause against his removal, by notification in the *Official Gazette*, remove him from office.

10. *Vacation of membership*.—If a non-official Member,—

(a) becomes subject to any of the disqualifications mentioned in section 8, or

(b) is absent without the permission of the Board from all meetings of the Board for a period of two successive months, he shall cease to be a Member.

11. *Filling of vacancies.*— (1) In the event of a vacancy in the office of any Member, the vacancy may be filled by the State Government and the person so appointed shall hold office so long only as the Member in whose place he is appointed would have held office.

(2) A vacancy of a Member shall be filled as early as practicable :

Provided that, during any such vacancy the continuing Members may act as if no vacancy had occurred.

12. *Executive Committee.*— (1) There shall be an Executive Committee of the Board, which shall consist of—

(a) the Chief Engineer to Government appointed by the State Government under clause (c) of sub-section (1) of section 4;

(b) the City Engineer of the Corporation;

(c) the Housing Commissioner, Maharashtra Housing Board;

(d) two other members chosen by the Board in this behalf from amongst the Members, one being the representative of the property owners and the other being the representative of the tenants;

(e) the Deputy Secretary to Government in the Finance Department appointed by the State Government under clause (j) of sub-section (1) of section 4.

(2) The Chief Engineer shall be the Chairman of the Executive Committee, and the Member-Secretary of the Board shall also be the Secretary of the Executive Committee.

(3) Subject to the control, direction and superintendence of the Board, the Executive Committee shall be competent to deal with any matter within the competence of the Board.

(4) Three members of the Executive Committee shall be the quorum required to constitute a meeting of the Committee.

13. *Appointment of other Committees.*— The Board may, from amongst its Members, appoint such other Committees (including a Technical Committee) consisting of such number of persons and for such period as it may think fit for any purposes which, in the opinion of the Board would better be regulated and managed by means of a Committee; and may delegate, with such restrictions or conditions (if any), as it may think fit to impose any of its powers or functions to any such Committee. The proceedings of such Committees shall be regulated in accordance with the regulations made in that behalf.

14. *Meetings of the Board.*— (1) The Board shall meet at such times, at least once in a month, and at such places as the Chairman may determine.

(2) The Chairman, or in his absence the Vice-Chairman, and in the absence of the Chairman and Vice Chairman, and other Member chosen by the members present from amongst themselves, shall preside at a meeting of the Board.

(3) All questions at a meeting of the Board shall be decided by a majority of votes of the Members present and voting; and, in the case of an equality of votes, the person presiding shall have and exercise a second or casting vote.

(4) One third of the total number of members of the Board shall be the quorum required to constitute a meeting of the Board

(5) Minutes shall be kept of the names of the Members present and of others who attend the meetings of the Board under the provisions of this Act, and of the proceedings of each meeting, in a minute book to

be kept for the purpose. The minutes shall be signed at the next ensuing meeting after confirmation at such meeting, and shall be open to inspection by any member during office hours.

(6) Subject as aforesaid, the Board may observe such rules of procedure in regard to the transaction of its business, as may be provided by the regulations.

15. *Proceedings presumed to be good and valid.*—No Act or proceeding of the Board or any of its Committees shall be invalid by reason only of a vacancy therein, or any defect in the appointment of any person acting as the Chairman or Vice-Chairman or member, if such act or proceeding is otherwise in accordance with the provisions of this Act.

16. *Consultation or association with experts.*—(1) The Board may with the previous sanction of the State Government, associate with itself or consult such persons whose assistance or advice it may require, for the purpose of performing any of its functions under this Act; such persons may be paid by the Board from its Fund such remuneration or fees or allowances as may be sanctioned by the State Government.

(2) The person so assisting or advising the Board may take part in the discussions of the Board relevant to the purpose for which he is associated or consulted, but he shall not have the right to vote at a meeting, or take part in the discussions of the Board relating to other purposes.

(3) If so required by the Board, the Commissioner may, by order, depute his official representatives, not exceeding two, to attend any meeting of the Board and to take part in the deliberations of the Board, but such representatives shall not have the right to vote.

17. *Appointment of officers and servants.*—The State Government shall from time to time place at the disposal of the Board a Chief Executive Officer, Chief Technical Officer, one or more Technical Officers, a Chief Accounts Officer and such other officers and servants as the Board may consider necessary, for the efficient performance of its powers and functions; and that Government may at any time recall them for other work.

18. *Preparation and maintenance of Schedule of establishment.*—Before the first of May every year, the Board shall prepare and maintain a Schedule of establishment as on the first day of April of that year showing—

(i) the number, designations and grades and scales of pay of the officers and servants (other than the employees who are paid by the day or whose pay is charged to temporary work) whom it considers necessary and proper to employ for the purposes of this Act;

(ii) the amount and nature of the salary, allowances and fees to be paid to each such officer or servant;

(iii) the amount to be paid towards leave, salary, pension, provident fund or any other purpose in respect of each such officer or servant.

19. *Conditions of service of officers and servants.*—The remuneration and other conditions of service of the Chief Executive Officer and other Government officers and servants serving under the Board shall be such as may be determined by the State Government.

20. *Expenses of the Board on the staff.*—All expenses incurred by the Board, including expenses incurred on account of salaries, allowances, fees and other remuneration payable to the officers and servants serving under the Board, shall be met from the Fund of the Board.

CHAPTER III

Powers, Duties and Functions of Board.

21. *Duties of the Board.*—Subject to the control, direction and superintendence of the State Government, it shall be the duty of the Board—

(a) to undertake and carry out structural repairs to buildings, in respect of which the cess is levied, in such order of priority as the Board, having regard to the exigencies of the case and availability of resources, considers necessary; without recovering any expenses thereof from the owners or occupiers of such buildings;

(b) to provide temporary or alternative accommodation to the occupiers of any such building, when repairs thereto are undertaken, or a building collapses ;

(c) to undertake, from time to time, the work of ordinary and tenantable repairs in respect of all premises placed at the disposal of the Board ;

(d) to move the State Government to acquire old and dilapidated properties in respect of which the cess is levied and which are, in the opinion of the Board, beyond repair; and to reconstruct or to get reconstructed new buildings thereon for the purpose of housing as many occupiers of those properties as possible, and for providing alternative accommodation to other affected occupiers ;

(e) to move the State Government to acquire old and dilapidated properties in respect of which the cess is levied, and which were once structurally repaired by the Board, but in respect of which further structural repairs are not, in the opinion of the Board, possible or economical, and to reconstruct or to get re-constructed new buildings thereon for the purpose of housing as many occupiers of those properties as possible, and for providing alternate accommodation to other affected occupiers ;

(f) having regard of the exigencies of the case and availability of resources, to construct or to get constructed through an approved agency, transit camps with a view to providing temporary accommodation to person affected by house collapses, fire, torrential rain or tempest its area of operation ;

(g) to take action for demolition of dangerous and dilapidated buildings or portions thereof, which are not capable of being repaired at reasonable expense, and thereby save human lives ;

(h) with the prior approval of the State Government, to do all other things to facilitate carrying out its powers, duties and functions by or under this Act.

22. *Special powers of the Board.*—The Board, in the exercise of its powers, performance of its duties and discharge of its functions under this Act, may—

(a) authorise any person, by general or special order, to enter into or upon any building or land with or without assistance or workmen for making any inquiry, inspection, survey, measurement, valuation or taking levels of such building or land or for carrying out any structural repairs or to execute any work which is authorised by or under this Act or which it is necessary to execute for any of the purposes or in pursuance of any of the provisions of this Act, or of any rule or regulation made thereunder :

Provided that, before exercising such power, so far as may be compatible with exigencies of the purpose for which the entry is to be made reasonable notice shall be given to the owner and occupiers, and the power shall be exercised as far as possible in the presence of them or their representatives, and due regard shall be had to the social and religious usages of the owner or occupiers;

(b) cause any building proposed to be structurally repaired or reconstructed to demolished to be vacated if so considered necessary, within a specified period, and take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary therefor.

(2) Any person who obstructs the entry of a person authorised under this section to enter upon any building or land or in the performance or execution by such person of his duty, or of any work which he is authorised or required to do or molest such person in any way after such entry or fails to vacate any building or to remove therefrom any belongings within the specified period shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

23. *Power of Board to undertake building repairs, building reconstruction and occupiers housing and rehabilitation schemes.*—(1) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any building repairs scheme, building reconstruction scheme or occupiers housing and rehabilitation scheme, whether provided for by this Act or not, and the Board shall thereupon undertake the framing and execution of such schemes as if it had been provided for by this Act.

(2) The Board may, on such terms and conditions as may be agreed upon, and with the previous approval of the State Government,

(a) hand over the execution under its own supervision of any building repairs scheme, building reconstruction scheme, or dishoused occupiers housing scheme, to the Maharashtra Housing Board or the Corporation or to a Co-operative Society or to an association of owners or tenants, or to any other agency recognised for the purpose by the Board, as it may deem necessary.

(b) and transfer any new building constructed on any land acquired under Chapter VI to any tenant co-partnership housing co-operative society, if it is formed by all the occupiers.

24. *Contracts suits and proceedings.*—(1) For the purposes of this Act, the Chief Executive Officer, or any other officer authorised by the State Government in this behalf, shall be competent to make and execute, on behalf of the State Government, any contract with any person, subject to the provisions of the next succeeding sub-sections.

(2) No contract involving an expenditure of rupees one lakh or more shall be made, without the previous sanction of the State Government.

(3) No contract involving an expenditure of five thousand rupees or more shall, subject to sub-section (2), be made, without the previous sanction of the Board.

(4) Sub-sections (2) and (3) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate.

(5) Every contract shall be entered into in such manner and form as may be prescribed.

(6) For the removal of doubts, it is hereby declared that :—

(a) all contracts made under this section are contracts made in exercise of the executive power of the State ;

(b) all suits and proceedings in connection with the administration of this Act may be instituted by or against the State Government.

25. Use of property assigned or entrusted by Government Corporation or Housing Board.—The State Government, the Corporation or the Maharashtra Housing Board, may assign or entrust to the Board, any property, whether movable or immovable, for use by the Board for the purposes of this Act, on such terms and conditions as may be agreed upon by the Board and approved by the State Government. It shall be the duty of the Board to use such property for the purpose for which it is assigned or entrusted.

26. Other powers of the Board.—Subject to the provisions of this Act and the rules and regulations made thereunder, the Board shall also have power—

(a) with the previous sanction of the State Government, to delegate any of its powers and duties generally or specially to any of its committees appointed under section 13 or to the officers and to authorise them to redelegate specific powers and duties to their subordinates ;

(b) to do such other things and perform such acts as the Board may think necessary or expedient for the proper exercise and discharge of its powers, duties and functions, and generally for the purpose of carrying into effect the purposes of this Act.

CHAPTER IV

Bombay Building Repairs and Reconstruction Cess and Fund

27. Levy and collection of Bombay Building Repairs and Reconstruction Cess—(1) For the purposes of this Act, but subject to the provisions of the next succeeding section, there shall be levied and paid to the State Government, from such date as may be appointed by the State Government by notification in the Official Gazette, a tax on buildings and lands, called the Bombay Building Repairs and Reconstruction Cess (in this Act referred to as "the cess"), at the rate of so many percentum of the reteable value of the concerned property or part thereof as is prescribed therefor under the Schedule to this Act.

(2) Subject to the provisions of this Act, the cess shall be collected by the Corporation in the same manner in which the property tax is collected under the Bombay Municipal Corporation Act. (Bom. III of 1888).

(3) The Commissioner shall recover the amount of the cess determined under sub section (1) by an addition to the general tax levied under the Bombay Municipal Corporation Act (Bom. III of 1888). Every addition to the general tax levied under this section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The Commissioner may in respect of the cess due prepare separate bills for such period or periods and in such form or forms and serve them in such manner as he may determine. Where the cess is primarily leviable from the owner, the instalment of the cess due for any half year shall be recoverable from him in arrears with the instalment of the general tax due for the next half-year, and where such owner is not able to recover any amount of increase in the

rent from any occupier as permitted under sub-section (4), he shall, subject to sub-sections (5) and (6), be entitled to withhold payment of that amount till it is recovered from the occupier. The provisions of sections 147 and 148 of the said Act shall apply to the cess, as if it were part of the general tax levied under that Act.

(4) Where an owner is required to pay to the Corporation in respect of any property the cess determined and levied under this section, the share of the owner shall be 10 per cent of the rateable value of the property, and he shall be entitled to recover the remaining amount of the cess levied, by making a proportionate increase in the rent of the various premises in the building, in the same manner as if there was an increase in the general tax ; and such increase in rent shall not be deemed to be an increase for the purposes of section 7 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), or for the purposes of the Bombay Municipal Corporation Act (Bom. III of 1888). Where the rent of any premises is payable by the month if such rent or increases are in arrears for a period of six months or more, the owner shall be entitled to the recovery of possession of the premises under section 12 of the Bombay Rents, Hotel and Lodging House rates Control Act, 1947.

(5) If the owner—

(a) fails to pay to the Corporation his share of the cess ; or

(b) fails to pay to the Corporation any portion of the cess as is due from an occupier as provided in sub-section (4), after having recovered the same from the occupier ; or

(c) does not within a reasonable time institute a suit for recovery of possession of the premises, or report to the Commissioner the name of the occupier, the premises in his possession and the amount of the cess due from him, as and when any occupier is in arrear for payment of the portion of the cess due from him for a period of six months or more, the Commissioner shall be entitled to recover from the landlord the landlord's or occupier's share of the cess, or both, as the case may be, in the same manner in which the arrears of property tax are recovered under the provisions of the Bombay Municipal Corporation Act (Bom. III of 1888).

Explanation—For the purposes of this sub-section, "reasonable time" means a period of three months from the date when any occupier is in arrear for a period of six months in payment of the portion of the cess payable by him to the landlord under sub-section (4).

(6) On receipt of a report from the landlord under the last preceding sub-section or otherwise, when any occupier is in arrear in payment of the portion of the cess due from him, the Commissioner may recover from the occupier the due amount (whether it has remained due for less than one year or more) as if it were an arrear of tax due under the Bombay Municipal Corporation Act (Bom. III of 1888).

(7) Notwithstanding anything contained in any law and notwithstanding any rights arising out of any contract or otherwise howsoever, any sum due as cess in respect of any land or building shall, subject to prior payment of the land revenue and the education cess and penalty levied under the Maharashtra Education (Cess) Act, 1962, (Mah. XXV-II of 1962) (if any) thereon, due to the State Government, be a first charge.—

(a) in the case of any land or building held immediately from the Government, upon the interest in such land or building of the person liable to pay the cess, and upon the goods and other moveable property, if any, found within or upon such land or building and belonging to such person ; and

(b) in the case of any other land or building, upon such land or building, and upon the goods and other moveable property, if any, found within or upon such land or building and belonging to the person liable to pay the cess.

28. *Exemption of certain buildings and lands from payment of cess.*—The following buildings and lands shall be exempt from payment of the cess, that is to say,—

- (a) buildings and lands vesting in the Central Government ;
- (b) buildings and lands vesting in the State Government or requisitioned by the State Government, but not those properties where the land vesting in the State Government is given on lease and the building erected thereon belongs to any other person ;
- (c) buildings and lands vesting in the Corporation, but not those properties where the land vesting in the corporation is given on lease and the building erected thereon belongs to any other person ;
- (d) buildings and lands vesting in the Maharashtra Housing Board ;
- (e) buildings and lands vesting in the Trustees of the Port of Bombay, and not used or intended to be used for the purpose of profit ;
- (f) buildings and lands or portions thereof belonging to a public trust registered under the Bombay Public Trusts Act, 1950, (Bom. XXIX of 1950) and exclusively occupied for public worship or for educational purposes ;
- (g) buildings and lands belonging to the Co-operative Housing Societies registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960; (Mah. XXIV of 1961).—
- (h) buildings exclusively in occupation of the owner ;
- (i) buildings exclusively used for non-residential purposes ;
- (j) residential buildings exclusively occupied on leave and licence basis ;
- (k) all open lands which are not built upon ;
- (l) buildings which may be erected ; after the date on which this Act comes into force in the area in which they are erected ;
- (m) any other buildings, or class of buildings, which the State Government may having regard to any other scheme which may be available for their repairs, from time to time, by notification in the *Official Gazette*, and subject to such conditions as the State Government may impose, exempt in this behalf.

Explanation.—In this section, “building” means building as a whole, and not any part thereof or premises therein taken separately.

29. *Assessment book maintained under Municipal Corporation Act to contain entries showing Categories to which properties liable to cess belong and other particulars.*—(1) For the purpose of assessing the amount of cess leviable under this Act, the Commissioner shall, in a Schedule appended to the assessment book maintained by him under section 156 of the Bombay Municipal Corporation Act (Bom. III of 1888) (which shall be deemed to be a part of such assessment book, cause additional entries to be made showing the Category to which every property on which the cess is leviable belongs and such other particulars as he deems necessary.

Where the building comprised in any property was erected before the 1st day of September 1940, the property shall be classified as belonging to Category A. Where the building comprised in any property was erected between the period from the 1st day of September 1940 to 31st day of December 1950 (both inclusive), the property shall be classified as belonging to Category B. Where the building comprised in any property was erected between the period from the 1st day of January 1951 to the day immediately preceding the date on which the provisions of this Act are brought into force in the area in which the building is situated, the property shall be classified as belonging to Category C. Where a floor or any part of a building is constructed subsequently, the date of construction, area and other description of such floor or part shall be shown separately.

(2) When additional entries regarding any properties in existence in any area at the date on which this Act comes into force are made for the first time, the Commissioner shall give individual notice thereof to the person primarily liable for the payment of the property taxes in the manner laid down in sections 483 to 485A of the said Act and also public notice thereof in the manner laid down in section 160 of the said Act and of the place where the ward assessment book so amended, or a copy of it, may be inspected. When the first public notice is given, and whenever any such notice is given subsequently under the said section 160, the provisions of sections 161, 162, 163 and 164 and of section 165 (as modified for the purpose of this Act by sub-section (3) of this section), and of sections 166 and 167 of the said Act shall, so far as may be, apply to such additional entries as they apply to the entry showing the amount of rateable value and other entries relating to any property entered in the assessment book, of which notice is given by the Commissioner.

(3) In applying the provisions of sub-section (1) of section 165 of the Bombay Municipal Corporation Act, (Bomb III of 1888) for the purposes of sub-section (2) of this section, for the words 'the Commissioner', the words and figures 'the Commissioner, in consultation with an Engineer of the Corporation and an Engineer of the Board established under the Bombay Building Repairs and Reconstruction Board Act, 1969' shall be deemed to be substituted.

30. *Corporation to credit cess amount to Government.*—(1) Within a period of fifteen days from the date of recovery of the cess, the amount so recovered shall, from time to time, be paid by the Commissioner to the State Government.

(2) The Corporation shall, in respect of the cost of collection of the cess, be entitled to a rebate equal to five per cent. of the amount of cess recovered, which shall be claimed by and paid to the Corporation in the prescribed manner.

31. *Bombay Building Repairs and Reconstruction Fund.*—(1) The proceeds of the cess collected and paid to the State Government by the Corporation in pursuance of the provisions of the last preceding section shall, first be credited to the Consolidated Fund of the State; and, after deducting the rebate payable to the Corporation for the cost of collection, the remaining amount shall, under appropriation duly made by law in this behalf, be entered in and transferred to a separate account called the Bombay Building Repairs and Reconstruction Fund (in this Act referred

to as "the Fund").

(2) The amount in the Fund shall be placed at the disposal of the Board for being expended for the purposes of this Act and the account shall be operated upon by the Chief Executive Officer and such other officer or officers of the State Government as it may specify. The State Government may make rules relating to all other matters connected with the Fund, including the manner in which the Fund shall be maintained, operated upon and expended.

32. *Default of Corporation in collecting or paying the cess.*—(1) If the Corporation makes default in the collection or payment to the State Government of any sums due in respect of the cess, the State Government may, after holding such inquiry as it thinks fit fix a period for the collection or payment of such sum.

(2) If the collection or payment of the sum is not made within the period so fixed the State Government may, notwithstanding anything contained in any law relating to the funds vesting in the Corporation or any other law for the time being in force, direct any bank in which any moneys of the Corporation are deposited or the person in charge of the Government Treasury or of any other place of security in which the moneys of the Corporation are deposited to pay such sum from such moneys as may be standing to the credit of the Corporation in such bank or, as the case may be, in the hands of such person or as may from time to time be received from or on behalf of the Corporation by way of deposit by such bank or person; and such bank or person shall be bound to obey such order.

(3) Every payment made pursuant to an order under sub-section (2) shall be a sufficient discharge to such bank or person from all liability to the Corporation in respect of any sum so paid by it or him out of the moneys of the Corporation so deposited with such bank or person.

CHAPTER V

Structural repairs to buildings which are in ruinous condition and likely to fall, and provision for temporary and alternative accommodation

33. *Board to undertake structural repairs to buildings which are in ruinous condition and likely to deteriorate and fall.*—(1) Subject to the other provisions of this Act, where the Board on consideration of the information given by the Commissioner, or a report from its officer authorised for the purpose, or other information in its possession, is satisfied that any building, in respect of which the cess is levied and which is occupied by persons, is in a ruinous or dangerous condition, so that it is imminently likely to fall unless structural repairs are urgently done, which will render it fit and safe for habitation, then in such case the Board shall, subject to the provisions of sub-section (3), undertake such repairs to that building.

(2) The Board may prepare a list of such buildings setting out the order of priority or urgency in respect of which structural repairs are necessary, and may undertake simultaneously or in such order of priority the structural repairs according to the exigencies of the case and its resources.

(3) If the Board is of the opinion that the cost of structural repairs to a building will exceed seventy-five rupees per square meter, the Board may not consider such building for repairs and may issue a certificate to that effect to the owner thereof, affix a copy of such certificate in some conspicuous part of the building for the information of the occupiers and

proceed to take action as provided in Chapter VI :

Provided that, in cases of special hardship the Board may, with the previous sanction of the State Government, consider a building for structural repairs even if the cost of such repairs is likely to exceed the limit aforesaid.

(4) The Commissioner shall, from time to time, send to the Board full particulars of the buildings in respect of which the cess is levied and which are in a ruinous or dangerous condition and the condition of which is such that it is likely to fall if structural repairs are not urgently undertaken or in respect of which he has served notices under section 354 of the Bombay Municipal Corporation Act, (Bom. III of 1888), but the same have not been complied with.

34. *Procedure before undertaking structural repairs.*—(1) Where the Board is satisfied in the manner provided in the last preceding section that structural repairs are necessary to a building, the Board shall give the owner thereof a notice of not less than fifteen days, informing him that the Board intends to carry out such repairs on and from a date to be specified in the notice, which date shall be after the expiry of the notice, and asking him to submit objections or suggestions, if any, thereto before the time specified in the notice. The notice shall also require the owner to furnish to the Board a statement in writing signed by the owner stating therein the names of all occupiers of the building known to him from his record, approximate area and location of the premises in occupation of each occupier and the rent or compensation (including permitted increases, if any) charged therefor. A copy of such notice shall also be affixed in a conspicuous part of the building to which it relates and also published by proclamation on or near such building accompanied with a beat of drum for the information of the occupiers thereof and for giving them an opportunity to submit objections or suggestions, if any. On such affixation and publication of the notice, the owner, occupiers and all other persons concerned shall be deemed to have been duly informed of the matters stated therein.

(2) After considering the objections and suggestions received within the time aforesaid from the owner, occupiers and other persons concerned, the Board may decide and proceed to carry out the repairs with or without modifications or may postpone the repairs for a certain period or may cancel the intention to repair.

(3) Where the Board has reason to believe that the building is immediately dangerous, the notice may be returnable within 24 hours from the service thereof.

(4) The Board may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as it thinks fit to prevent danger to or from the said building.

(5) Any owner who refuses to furnish a statement as required by sub-section (1) or intentionally furnishes a statement which is false in any material particular, shall, on conviction, be punished with fine which may extend to one thousand rupees.

35. *Temporary accommodation.*—(1) Where the Board undertakes structural repairs to any building, and the Board is of the opinion that all or any of the occupiers thereof should temporarily vacate their premises till the repairs are completed, the Board shall give them notice

to vacate by a specified date or dates, and allot temporary accommodation to such occupiers in any buildings maintained by the Board for such purpose, at such places to such extent as it deems fit. The accommodation need not be in the same locality or of the same floor area as the premises vacated by the occupiers. If any occupier fails to accept and occupy the accommodation as allotted to him, within one month from the date of allotment, the responsibility of the Board to provide him with any accommodation shall cease. Subject to the next succeeding sub-sections, such occupier shall, however, have a right to reoccupy his premises in the building after it is repaired.

(2) The temporary accommodation shall be made available without the occupier being required to pay any compensation for use and occupation but subject to such other terms and conditions as Board may from time to time determine. Where any accommodation is accepted by an occupier, the occupier, shall continue to pay to the owner the rent (including permitted increases, if any) in respect of the premises vacated by the occupier. Where an occupier does not accept the accommodation offered by the Board such occupier shall, nevertheless, be liable, to continue to pay to the owner the rent (including any permitted increases) if any of the premises vacated by him, unless by giving proper notice to the owner he surrenders his tenancy or other right. The occupier, whether he accepts the accommodation or makes his own arrangement, shall also be liable, until his tenancy continues, to pay to the owner his proportionate contribution for the cess as if he had not temporarily vacated the premises and shall be liable for all the consequences if he fails to so pay.

(3) Where any occupier does not vacate his premises, the Board may take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for the purpose of getting the premises vacated.

(4) The Board may, after giving fifteen clear days notice to the persons removed under sub-section (3) and affixing a copy thereof on or near the building, in some conspicuous place, remove or cause to be removed or dispose of by public auction any property remaining in such building.

(5) Where the property is sold under sub-section (4), the sale proceeds shall after deducting the expenses of sale, be paid to such person or persons as may be entitled to the same :

Provided that, where the Board is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, it shall refer such dispute to a Civil Court of competent jurisdiction and the decision of the Court shall be final.

(6) As soon as the work of carrying out the structural repairs is nearing completion or is completed, the Board shall give notice to the occupiers concerned by affixing it in some conspicuous part of the building and by sending it by post to the address which may have been registered with the Board by any occupier and in such other manner as may be laid down in the regulations, that the building is likely to be or is ready for reoccupation from a specified date and that they should reoccupy their respective premises within a period of one month from such date. If an occupier fails to reoccupy his premises, within a period one month from the specified date, his tenancy or other right in respect of the

said premises shall, notwithstanding anything contained in any contract or in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, (Bom. I VII of 1947) or any other law for the time being in force, be deemed to be terminated, and the owner shall be entitled to possession thereof. If such occupier has accepted the temporary accommodation, he shall have to vacate the same also forthwith and if he does not vacate he shall be liable to be evicted therefrom as a person in unauthorised occupation under Chapter VII.

36 *Repairs or reconstruction of buildings which suddenly collapse or become uninhabitable.*—(1) When a building, in respect of which the cess is levied, suddenly collapses or becomes uninhabitable due to fire, torrential rain or tempest, and all or any of the occupiers thereof are dis-housed, the Board shall allot temporary accommodation to such occupiers in any building maintained by the Board for such purpose, at such places and to such extent as it deems fit and the provisions of the last preceding section shall mutatis mutandis apply as they apply in relation to occupiers of buildings which are undertaken to be structurally repaired.

(2) In the case of any such building, if the Board is of the opinion that the building is capable of being repaired and rendered fit for habitation at reasonable expense, the Board shall immediately undertake the necessary repairs and the last preceding section and other provisions of this Act shall apply mutatis mutandis to such repairs as they apply to structural repairs. When the whole building collapses or is rendered uninhabitable or the Board is of the opinion that the building is not capable of being repaired and rendered fit for habitation at reasonable expense, the Board shall move the State Government to acquire the property under the provisions of Chapter VI and take necessary further action to construct a new building on the site to accommodate the dis-housed occupiers. The provisions of Chapter VI shall apply mutatis mutandis to acquisition, reconstruction and rehabilitation of occupiers of such buildings.

CHAPTER VI

Acquisition of irreparable buildings and schemes for reconstruction of buildings and rehabilitation of occupiers.

37. *Power to acquire land for the purposes of sections 36, 38 and 39.*—(1) The State Government may enter into an agreement with any person for the purchase, lease or, exchange, of any land required for carrying out the purposes of sections 36, 38 and 39.

(2) The State Government may also for carrying out the said purposes compulsorily acquire any land under the provisions of this Chapter in the manner provided in the Land Acquisition Act, 1894, (1 of 1894) and the acquisition of any land for the said purposes shall be deemed to be a public purpose within the meaning of the said Act.

38 *Preparation of clearance scheme*—(1) If in respect of any building, on which the cess is levied, the Board has issued a certificate under sub-section (3) of section 33, or the Commissioner has under section 354 of the Bombay Municipal Corporation Act, (Bom III of 1888), issued a written notice requiring the owner or occupier thereof to pull down the building, with a view to preventing all cause of danger therefrom, and the Board is of the opinion that such building is not

capable of being repaired or rendered fit for habitation at reasonable expense and is dangerous or injurious to the health or safety of the inhabitants thereof, or where the Corporation has under section 354-R of the said Act passed a resolution declaring the area in which any such building is situated as a clearance area, the Board may require and, notwithstanding anything contained in the said Act, it shall be obligatory on the part of the Corporation to prepare and submit to the Board a draft scheme for demolishing the building, clearing the site and for constructing a new building on the same site and, on receipt of the draft scheme from the Corporation, it shall be the duty of the Board to prepare or to get prepared plans and estimates necessary for the purpose of the scheme.

(2) In preparing the draft scheme of reconstructing the building, it shall be the duty of the Board to see that all the occupiers in the building proposed to be demolished shall, as far as practicable, be accommodated in the reconstructed building, and those occupiers who cannot be so accommodated are provided with alternative accommodation in any building maintained by the Board for such purpose.

(3) The Board shall, along with such other information as may be prescribed, forward the draft scheme, together with the plans and estimates to the State Government for approval and for issue of a clearance and compulsory acquisition order to clear and acquire the land with the existing building in whatever condition thereon.

(4) If in respect of any building, on which the cess is levied, the Commissioner has under section 354 of the Bombay Municipal Corporation Act (Bom. III of 1888), already issued a written notice before the date on which the provisions of this Act are brought into force in the area in which such building is situated, requiring the owner or occupier thereof to pull down the building, with a view to preventing all cause of danger therefrom, and such notice has not been complied (except for purposes beyond his control) before the date aforesaid, the Board may, notwithstanding anything contained in sub-section (1), move the State Government to acquire the property under this Chapter immediately and take necessary further steps for demolishing the building, clearing the site and constructing a new building on the same site. The provisions of this Chapter shall apply *mutatis mutandis* to acquisition, reconstruction and rehabilitation of occupiers of such building as they apply to any other building, except that the occupiers of such building shall as far as practicable, be accommodated in the reconstructed building or any other building maintained by the Board, subject to such terms and conditions as the Board may, with the previous sanction of the State Government, specify.

39. *Clearance and compulsory acquisition order.*—(1) Notwithstanding anything contained in the Bombay Municipal Corporation Act (Bom. III of 1888) if on receipt of the draft scheme under the last preceding section and on making such inquiries or on getting such information as it deems fit, the State Government is satisfied about the reasonableness of the scheme and of the resources available with the Board for constructing a new building, it may provisionally approve the draft scheme as it is or with such modifications as the State Government may deem fit to make.

(2) The State Government shall simultaneously publish in the Official Gazette, and in at least four newspapers circulating within Greater Bombay a notice stating the fact of such draft scheme having been

made and provisionally approved and alternative accommodation in transit camps proposed to be provided to the occupiers affected by the scheme and the time on or before which the building must be vacated.

(3) The State Government shall serve the notice referred to in sub-section (2) on the occupiers and owner of the building and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee of the building and call upon them to submit objections and suggestions, if any, to the draft scheme and why the land should not be acquired, so as to reach the State Government on or before a date to be specified in the notice.

(4) On considering the objections and suggestions and on giving a reasonable opportunity of being heard to the persons affected by the draft scheme, the State Government may sanction the draft scheme, with or without modifications, and fix a date on which the scheme as sanctioned shall become operative and issue a clearance and compulsory acquisition order. The clearance and compulsory acquisition order shall be published by the State Government in the *Official Gazette*, and the land specified therein shall, on and from the date of such publication, vest absolutely in the State Government free from all encumbrances.

(5) The clearance and compulsory acquisition order issued and published under sub-section (4) shall be sufficient authority for the Collector to give notice to the person in possession of the land to surrender or deliver possession thereof within a specified period and on his refusal or failure to do so to take possession of the land and for that purpose to use such force as may be necessary, and to hand over possession thereof to the Board, and for the Board take further action to get the building vacated in accordance with the next succeeding sub-sections. No person interested in the land shall have any right to object to taking such possession or to vacating of the building merely on the ground that compensation has not been fixed or paid.

(6) After the scheme becomes operative, the occupiers of the building shall vacate their premises within the time allowed for that purpose under the scheme.

(7) After expiry of the time referred to in sub-section (6), the Board shall, for the purpose of vacating the building or such part thereof as has remained occupied, take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Board reasonably be necessary therefor.

(8) The Board may after giving seven clear days' notice in the prescribed manner to the persons evicted under sub-section (7) remove or cause to be removed or dispose of by public auction any property remaining in such building.

(9) Where the property is sold under sub-section (8), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Board to be entitled to the same:

Provided that, where the Board is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, it shall refer such dispute to a Civil Court of competent jurisdiction, and the decision of the Court shall be final.

(10) After the building is completely vacated, the Board shall proceed to construct a new building on the site according to the scheme.

40. *Compensation and other procedure in accordance with the Land Acquisition Act* —(1) Where any land is acquired and vested in the State Government under this Chapter, the State Government shall pay

for such acquisition compensation, the amount of which shall be determined in accordance with the provisions of this section.

(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Collector, who shall determine the compensation in accordance with the principles for determining compensation laid down in the Land Acquisition Act 18/4 (1 of 1894) and the provisions of that Act (including provisions for reference to Court and appeal) shall apply thereto *mutatis mutandis* as if the land had been acquired and compensation had to be determined, apportioned and paid under the provisions of that Act, subject to the modification that the references in sections 23 and 24 of that Act to the date of publication of the notification under section 4, sub-section (1), were references to the date on which the notice under sub-section (2) of section 39 of this Act is published in the Official Gazette, and the references to the time or date of the publication of the declaration under section 6 were references to the date of publication of the clearance and compulsory acquisition order under sub-section (4) of section 39 of this Act in the Official Gazette.

CHAPTER VII

Special provisions to evict persons from Board premises and to recover dues

42. *Appointment of competent authority.*—The State Government may, by notification in the Official Gazette, appoint an officer, who is holding or has held an office which in its opinion is not lower in rank than that of Deputy Collector or Civil Judge (Senior Division), to be the competent authority for performing the functions of such authority under this Chapter in such area, or in respect of such premises or class of premises in any area, as may be specified in the notification, and more than one officer may be appointed as competent authority in the same area in respect of different premises or different classes of premises.

42. *Power to evict certain persons from Board premises.*—(1) If the competent authority is satisfied—

- (a) that the person authorised to occupy any Board premises has—
 - (i) not paid rent or compensation lawfully due from him in respect of such premises for a period of more than three months, or
 - (ii) sub-let, without the previous permission of the Board, the whole or any part of such premises, or
 - (iii) committed, or is committing, any act which is destructive or permanently injurious to such premises, or
 - (iv) made, or is making, material additions to, or alterations in, such premises, without the previous permission of the Board, or
 - (v) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or
- (b) that any person is in unauthorised occupation of any Board premises.

the competent authority may, for reasons to be recorded in writing by notice, served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that that person, as well as any other person, who may be in occupation of the whole or any part of

the premises, shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1) is made against any person, the competent authority shall issue, in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause with in 15 days why an order of eviction should not be made.

The notice shall—

(a) specify the ground on which the order of eviction is proposed to be made, and

(b) require all persons concerned, that is to say, all persons who are or may be in occupation of, or claim interest in, the Board premises, to show cause against the proposed order, on or before such date as is specified in the notice.

If such person makes an application to the competent authority for the extension of the period specified in the notice, such authority may grant the same on such terms as to payment and recovery of the pay-amount claimed in the notice, as he deems fit.

Any written statement put in by any person and documents produced, in pursuance of the notice, shall be filed with the record of the case, and such person shall be entitled to appear before the competent authority by advocate, attorney or other legal practitioner.

The notice to be served under this sub-section shall be served in the manner provided for the service of a notice under sub-section (1); and thereupon the notice shall be deemed to have been duly given to all persons concerned.

(3) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person and any other person who obstructs him and take possession of the premises; and may for that purpose use such force as may be necessary.

(4) The competent authority may, after giving fourteen clear days' notice to the person from whom possession of the Board premises has been taken under sub-section (3) and after publishing such notice in the prescribed manner, remove or cause to be removed or disposed of by public auction, any property remaining on such premises. Such notice shall be served in the manner provided for the service of a notice under sub-section (1).

(5) Where the property is sold under sub-section (4), the sale proceeds shall, after deducting the expenses of sale, be paid to such persons or persons as may appear to the competent authority to be entitled to the same:

Provided that, where the competent authority is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a Civil Court of competent jurisdiction, and the decision of the Court thereon shall be final.

(6) If a person, who has been ordered to vacate any premises under sub-clause (i) or (v) of clause (a) of sub-section (1) within one month of the date of service of the notice, or such longer time as the competent authority may allow pays to such authority the rent or compensation in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of such authority, such authority shall on such terms,

if any (including the payment of any sum by way of damages or compensation for the contravention aforesaid), in lieu of evicting such person under sub-section (3) cancel his order made under sub-section (1) and thereupon such person shall continue to hold the premises on the same terms on which he held them immediately before such notice was served on him.

Explanation.—For the purposes of this section and the next succeeding section the expression “unauthorised occupation” in relating to any person authorised to occupy any Board premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has expired or has been duly determined.

43. *Power to recover rent, compensation or damages as arrears of land revenue*—(1) Subject to any rules made by the State Government in this behalf, but without prejudice to the provisions of the last preceding section, where any person is in arrears of rent or compensation payable in respect of any Board premises, the competent authority may, by notice served in the manner provided for service of notice under sub-section (1) of the last preceding section, order that person to pay the same within such time, not less than ten days, as may be specified in the notice.

(2) Where any person is in unauthorised occupation of any Board premises, the competent authority may in the manner and having regard to the principle of assessment of damages, provided for by the rules, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served in the manner referred to in sub-section (1), order that person to pay the damages within such time as may be specified in the notice.

(3) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling upon him to show cause within fifteen days, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the competent authority.

44. *Competent authority to have powers of Civil Court.*—The competent authority shall for the purpose of holding any inquiry under this Chapter, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, (V of 1908) when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

45. *Appeals.*—(1) An appeal shall lie from every order of the competent authority made in respect of any Board premises under section 42 or section 43 to an appellate officer, not below the rank of Deputy Secretary to Government having judicial experience or experience in a Legal Department of the State, who shall be specified for the purpose by the State Government by notification in the Official Gazette.

(2) An appeal under sub-section (1) shall be preferred—

(a) in the case of an appeal from an order under section 42, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section, and (b) in the case of an appeal from an order under section 43 within thirty days from the date of the

service of the notice relating to the order under sub section (1) or (2) of that section, as the case may be:

Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the competent authority, appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

46. *Bar of jurisdiction of Civil Courts.*—No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person from any Board premises under this Chapter or the recovery of the arrears of rent, compensation or damages for use and occupation of such premises, or in respect of any order made or to be made or any action taken or to be taken by the competent authority or the appellate officer in the exercise of any power conferred by or under this Chapter, or to grant any injunction in respect of such order or action.

47. *Penalty for obstructing lawful exercise of powers under this Chapter.*—Any person, who obstructs the lawful exercise of any powers conferred by or under this Chapter, shall, on conviction, be punished with fine which may extend to one thousand rupees.

CHAPTER VIII

Finance, Accounts, Audit and Annual Reports

48. *Advances for initial expenditure.*—As soon as the Board is established, for meeting the initial expenditure, the State Government and the Corporation, each of them, may give an advance to the Board of such amount, not exceeding Rs. 50 lakhs, as that Government or the Corporation, as the case may be, may determine. The amount so advanced shall be credited to the Fund of the Board.

49. *Disposal of monies received by the Board.*—(1) All monies received by the Board from time to time, by way of rents, compensation damages and interests and by way of grants, subventions or otherwise, howsoever, shall first be credited to the Consolidated Fund of the State, and thereafter, under due appropriation made by law in this behalf, be entered in and transferred to the Fund of the Board. The State Government may transfer, from time to time, such amounts as grants, subventions or otherwise as it thinks necessary to the Fund.

(2) Under appropriation duly made in this behalf, the State Government may, and the Corporation shall, make an annual grant to the Board of one crore rupees each.

(3) The Board may also accept grants, subventions donations and gifts from Government, the Corporation, the Maharashtra Housing Board or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(4) The monies placed at the disposal of the Board shall be applied for the purposes of this Act, that is to say, towards meeting—

(a) all expenditure incurred in connection with the repairs to buildings, reconstruction of buildings and rehabilitation of dishoused occupiers and matters connected therewith or incidental thereto;

(b) the expenditure referred to in sections 5, 16 and 20;

(c) the cost of acquisition of land;

(d) any other expenditure which may have to be incurred in the

administration of this Act; and

(e) the expenditure for such other purposes as the State Government may direct

(5) The Board shall through its officers keep in current and deposit account in the State Bank of India or any other Bank approved by the State Government in this behalf, such sum of money out of the Fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

(6) Such account may be operated upon by the Chief Executive Officer, or the Chief Accounts Officer of the Board, or by such other officer or officers of the Board as may be authorised by it by regulations made in this behalf

50. Budget and programme of work.—(1) The Board shall prepare and submit in such form and at such time every year as may be prescribed a budget in respect of the year next ensuing showing the estimated receipts and expenditure of the Board, and shall forward to the State Government such number of copies thereof as may be prescribed. The Board shall also prepare and submit to the State Government for approval a programme of work for the next ensuing year.

(2) The Board shall be competent to make variations in the programme of work in the course of the year, provided that all such variations and reappropriations out of the sanctioned budget are brought to the notice of the State Government by a supplementary financial statement.

51. Accounts and Audit.—(1) The Board shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts including the balance sheet in such form and in such manner, as may from time to time be required by the Accountant General of the State.

(2) The accounts of the Board shall be audited by an auditor appointed by the Comptroller and Auditor-General of India.

(3) The State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by an auditor appointed by the Controller and Auditor-General of India of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(4) As and when the accounts are audited, the Board shall send a copy thereof together with a copy of the auditor's report thereon to the State Government.

(5) The State Government shall cause the accounts of the Board together with the audit report thereon to be laid before each House of the State Legislature.

52. Recovery of sums due to the Board as arrears of land revenue.—All sums payable to the Board by any person or recoverable by it by or under the provisions of this Act and all charges and expenses incurred in connection therewith shall without prejudice to any other mode of recovery, or otherwise provided in this Act, be recoverable as an arrear of land revenue on the application of the Board.

54. Valuation of assets and liabilities assigned or entrusted to the Board.—The Board shall at such intervals as the State Government may direct have a valuation made of the properties assigned or entrusted to it for the purposes of this Act and of the liabilities it is expected to meet from its Fund. Such valuation shall be made by a valuer appointed by the Board with the approval of the State Government.

54. *Annual report.*—(1) The Board shall prepare and forward to the State Government, in such manner as may be prescribed, an annual report within six months from the end of every year, giving a complete account of its activities during the previous year.

(2) Every such report shall be laid before each house of the State Legislature within six months from the time it is received by the State Government.

CHAPTER IX

Board's powers vis-a-vis the powers of the Corporation and other persons

55. *Assistance from Corporation.*—(1) The Corporation shall render such help and assistance, and furnish such information to the Board as the Board may, from time to time, require for carrying out its duties and functions, and shall make available to the Board for inspection and examination such records maps, plans and other documents as may be necessary for the performance and discharge of its duties and functions.

(2) The Corporation shall, on demand, make available copies of assessment rolls and other relevant documents in connection with assessment of its taxes. Such copies shall be duly certified by an officer of the Corporation as may be authorised in this behalf.

56. *Relaxation or modification of certain provisions of Municipal Corporation Act or Regional and Town Planning Act in the case of Board's reconstruction scheme.*—Notwithstanding anything contained in the provisions of the Bombay Municipal Corporation Act (Bombay III of 1888) or the Maharashtra Regional and Town Planning Act, 1966, (Mah. XXXVII of 1966) or any rules, by-laws, regulations, plans, schemes, notifications, directions or orders made or issued or deemed to be made or issued under either of those Acts, the State Government, having regard to the necessity of providing alternative accommodation to occupiers, who have been, or are likely to be, dishoused on account of any reconstruction scheme or schemes undertaken or to be undertaken by the Board under this Act, after consultation with the Corporation, may, by general or special order, relax all or any of the provisions aforementioned in the case of any such scheme or class of schemes, or may by like order direct that any such provisions shall apply to any such scheme or class of schemes, subject to such modifications or conditions as it may specify in the order.

57. *Procedure for giving notice and obtaining permission for buildings to be repaired or reconstructed by the Board.*—If in respect of any building to be repaired or reconstructed by the Board, any notice is required to be given or any application is to be made and the approval, sanction, consent or permission otherwise of the Commissioner or any other authority is required to be obtained under any of the provisions mentioned in the last preceding section, the necessary permission shall be deemed to have been obtained by the Board if the Board gives a reasonable notice of the proposed work to the Commissioner or the other authority concerned before the work is commenced. Such notice shall be accompanied by plans and other relevant documents and information. After receipt of such notice and after making such inquiry as may be deemed necessary, the Commissioner or other authority may, within a period of thirty days submit to the State Government a statement in writing of any objections or suggestions which he or it may deem fit to make with reference to the proposed work. Every objection or suggestion so submitted shall

be considered by the State Government, which shall, after such investigation (if any) as it shall think advisable pass orders thereon, and the work shall be carried on in accordance with such orders.

†8. *Saving of powers of other authorities and persons to carry out repairs.*—(1) Nothing in this Act shall affect the powers of the Commissioner or any other authority or the rights or liabilities of any person or body of persons to carry out any repairs to any building, on which the cess is levied or to execute any works thereon or to take any other action in respect of such buildings authorised under section 354 or 489 or 499 or any other provision of the Bombay Municipal Corporation Act (Bom. III of 1888) or under section 10D or 10E or any other provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act 1947 (Bom. LVII of 1947) or under the provisions of any other law for the time being in force :

Provided that, if any person or body of persons seeks the approval of the Commissioner under section 499 of the Bombay Municipal Corporation Act, (Bom. III of 1888) for carrying out any structural repairs in respect of any such building, such approval may be given by the Commissioner only after consultation with the Board ;

Provided further that during the period this Act is in force, the provisions of sections 10D and 10E of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), shall not apply to any building, in so far as they relate to buildings undertaken or proposed to be undertaken for structural repairs.

(2) If while carrying out such repairs or executing such works or taking such action, it becomes necessary for the Commissioner or any other authority or any person or body of persons aforesaid to carry out structural repairs also, and the Commissioner or such authority, person or body of persons carries out such repairs, after giving previous intimation thereof to the Board, the Commissioner or such authority person or body of persons as the case may be, shall be entitled to recover from the Board the cost of the structural repairs actually carried out. When the necessary particulars are furnished to the Board, the Board shall, after making such inquiry as it deems fit, pay the sum payable by it towards the cost of such repairs. If there is no agreement between the parties, the sum to be paid by the Board shall be fixed by an arbitrator appointed by the State Government, and the sum fixed by the arbitrator shall be binding on the parties.

CHAPTER X

Rules and Regulations.

59. *Power to make rules*—(1) The power to make all rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses

agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

60. *Power to make regulations.*—(1) The Board may from time to time, with the previous sanction of the State Government, make regulations, consistent with this Act and the rules made thereunder, for all or any of the following matters, namely :—

(a) the procedure to be followed in regard to transaction of the business of the Board and its committees;

(b) the forms of notices to be given by the Board and the manner in which they may be served;

(c) the management of the buildings maintained by the Board and the terms and conditions for their use and occupation ;

(d) the manner and method of preparation of plans and estimates, preparation of approved lists of reliable contractors, architects, and engineers, invitation of tenders, acceptance of tenders, schedule of fees and such other allied matters as in its opinion would help the Board in the expeditious implementation and execution of works required to be undertaken by it for purposes of this Act ;

(e) any other matter which has to be, or may be, provided by regulations under the provisions of this Act ;

(f) generally for the efficient administration of the affairs of the Board.

(2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any regulations in respect of matters specified in sub-section (1) or to amend any regulation made under that sub section, the State Government may call upon the Board to make such regulation or amendment within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government itself may make such regulation or amendment, and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

CHAPTER XI

Control

61. *Directions by the State Government* —The State Government may issue to the Board such general or special directions as to the exercise, performance or discharge of its powers, duties or functions under this Act, as it may think necessary or expedient for the purpose of carrying into effect the purposes of this Act; and the Board shall be bound to follow and act upon such directions.

62. *Provisions as to local inquiries.*—The State Government may hold such local inquiries as it may think fit in relation to any matters to which its sanction, approval or consent is required by or under this Act, and in relation to any other matters connected with its powers and duties under this Act.

63. *Default in performance of duties.*—(1) If the State Government is satisfied that the Board has made default in performing any duty, function or obligation imposed or cast on it by or under this Act, the State Government may by order fix a period for the performance thereof and give notice to the Board accordingly.

(2) If, in the opinion of the State Government, the Board has failed

or neglected to perform such duty or function or obligation within the period so fixed for its performance, it shall be lawful for the State Government by order to dissolve the Board.

(3) After the dissolution of the Board and until it is reappointed in the manner laid down in Chapter II, the powers, duties and functions of the Board under this Act shall be carried on by the State Government, or by such officer or officers or body of officers, of the State Government, as may be notified in the Official Gazette.

CHAPTER XII

Miscellaneous

64. *Authentication of orders and documents of the Board*—All permissions, orders, decisions, notices and other documents of the Board shall be authenticated for and on behalf of the Board by the signature of the Chief Executive Officer or of such other officer or officers as may be authorised by the Board in this behalf.

65. *Furnishing of returns, etc*—The Board shall furnish to the State Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties in its charge, funds and activities or in regard to any proposed work or scheme as the State Government may from time to time require.

66. *Members officers and servants of the Board to be public servants*.—All Members, officers and servants serving under the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

67. *Protection of action taken in good faith*—No suit, prosecution or other legal proceedings shall lie against any Member, officer or servant serving under the Board or against Government for anything which is in good faith done or intended to be done under this Act, or any rule or regulation made thereunder.

68. *Authority for prosecution*.—No Court shall take cognisance of any offence punishable under this Act, except on the complaint of, or upon information received from the Chief Executive Officer or any of the other officers as may be authorised by the Board in this behalf by general or special order.

69. *Compounding of offences*.—(1) The Chief Executive Officer or any of the other officers as may be authorised by the Board in this behalf by general or special order may, either before or after the institution of the proceedings, compound any offence punishable under this Act.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged; and no further proceedings shall be taken against him in respect of the offence compounded.

70. *Power to delegate*—The State Government may, by notification in the *Official Gazette*, delegate any power (other than the powers to make rules) exercisable by it under this Act or the rules made thereunder to any officer of the State Government.

71. *Temporary suspension of section 23 of Rent Control Act and application of Transfer of Property Act to certain repairs*—During the period this Act is in force, in the case of any building on which the cess is levied, the owner shall not be bound to keep the premises let to any occupier in good and tenantable repair and accordingly the provisions of section 23 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), shall be deemed to have been suspended and the provisions of the Transfer of Property Act, 1882 (IV of 1882), relating thereto shall apply during such period.

72. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion requires, but not later than two years from the date on which the Board is established, by order, do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

THE SCHEDULE

(See section 27)

The rates at which the cess under this Act shall be levied on buildings and lands :—

(1) (a) Where any property comprising a building is classified as belonging to Category A—at the rate of 25 per cent of the rateable value of the property.

(b) Where any such building is structurally repaired by the Board under this Act—at the rate of 40 per cent of the rateable value of the property.

(2) (a) Where any property comprising a building is classified as belonging to Category B—at the rate 20 per cent of the rateable value of the property.

(b) Where any such building is structurally repaired by the Board under this Act—at the rate of 30 per cent of the rateable value of the property.

(3) (a) Where any property comprising a building is classified as belonging to Category C—at the rate of 15 per cent of the rateable value of the property.

(b) Where any such building is structurally repaired by the Board under this Act—at the rate of 20 per cent of the rateable value of the property.

The Maharashtra (Vidarbha Region) Agricultural Debts Relief (Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotwal, discharging the functions of the Governor of Maharashtra, on the 23rd December, 1969 was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 70, dated December 26, 1969/Pausa 5, 1891.

Maharashtra Act No. LV of 1969

An Act to amend the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act 1969

Whereas it is expedient to amend the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969 (Mah. XXII of 1969) for the purpose hereinafter appearing ; it is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement*—(1) This Act may be called the Maharashtra (Vidarbha Region) Agricultural Debtors Relief (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 23th day of September, 1969.

2. *Amendment of section 3 of Mah. XXII of 1969.*—In section 3 of the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969 (Mah. XXII of 1969), in sub-section (1), for the figures, letters and words "1st day of October, 1969" the figures, letters and words "1st day of April 1970" shall be substituted.

3. *Repeal of Mah. Ord. XII of 1969 and saving.*—(1) The Maharashtra (Vidharbha Region) Agricultural Debtors Relief (Amendment) Ordinance, 1969 (Mah. Ord. XII of 1969), is hereby repealed.

(2) Anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act as amended by this Act.

The Bombay Housing Board (Amendment) Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by the President on the 24th December, 1969, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 71, dated December 26, 1969/Pausa 5, 1891.

Maharashtra Act No. LVI of 1969.

An Act further to amend the Bombay Housing Board Act, 1948.

Whereas, it is expedient further to amend the Bombay Housing Board Act, 1948 (Bom. LXIX of 1949), for the purpose hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Housing Board (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 15th day of October, 1969.

2. *Insertion of new section 73BB in Bom. LXIX of 1948.*—After section 73B of the Bombay Housing Board Act, 1948 (Bom. LXIX of 1948) (hereinafter referred to as "the principal Act"), the following section shall be inserted, namely :—

"73BB. *Power to appoint Administrator.*—(1) If by reason of death, resignation or, otherwise, it appears to the State Government that the Board is unable to exercise the powers or perform or discharge the duties or functions conferred or imposed upon it by or under this Act, and, the State Government does not consider it expedient to reconstitute the Board or fill the vacancies, the State Government may, notwithstanding anything contained in section 4 or any other provision of this Act, by notification in the Official Gazette, in place of the Board constituted under section 4, appoint an Administrator for such period or periods, not exceeding two years in the aggregate, as that Government may specify from time to time in that behalf. After the expiry of his term of office, the Administrator shall continue in office until the day immediately preceding the date of the first meeting of the Board reconstituted in accordance with the provisions of section 4.

(2) The Administrator so appointed shall be deemed to constitute the Board for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Board or any of its authorities, members or officers by or under this Act, or any other law for the time being in force.

(3) The Administrator shall receive such remuneration from the fund of the Board, and the other conditions of service shall be such, as the State Government may determine.

(4) The Administrator may, subject to the general or special order of the State Government, delegate any of the powers, duties and functions exercisable or to be performed by him, to the Housing Commissioner or any other officer or officers of the Board.

(5) The State Government may, if it thinks fit, appoint an advisory council to advise and assist the Administrator in the exercise of

his powers and the performance and discharge of his duties and functions. The members of the advisory council shall hold office during the pleasure of the State Government ; and shall be paid such remuneration (if any) as may be fixed by the State Government in that behalf."

3. *Repeal of Mah. Ord. XIII of 1969 and saving* —(1) The Bombay Housing Board (Amendment) Ordinance, 1969 (Mah. Ord. XIII of 1969), hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 74, dated December 30/Pausa 9, 1891.

The Maharashtra Preventive Detention Ordinance, 1969.

Maharashtra Ordinance No. XVI of 1969.

An Ordinance to provide for preventive detention in certain cases and for matters connected therewith

Whereas, the Preventive Detention Act 1950 (IV of 1950), will cease to have effect on the 31st day of December, 1969 ;

And whereas, the State Government considers it necessary to enact a State law for the purpose ;

And whereas, both Houses of the Legislature of the State of Maharashtra are not in session ;

And whereas, I, Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, am satisfied that circumstances exist which render it necessary for me to take immediate action to provide for preventive detention in certain cases in the State of Maharashtra and for matters connected therewith ;

And whereas, the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, I Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, hereby make and promulgate the following Ordinance, namely :—

1. *Short title extent and commencement* —(1) This Ordinance may be called the Maharashtra Preventive Detention Ordinance, 1969.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on the 31st day of December, 1969.

2. *Definition* —In this Ordinance, unless the context otherwise requires, "detention order" means an order made under section 3.

3. *Power to make orders detaining certain persons.*—(1) The State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—

(i) the security of the State or the maintenance of public order, or

(ii) the maintenance of supplies and services essential to the life of the community,

it is necessary so to do, make an order directing that such person be detained.

(2) Any of the following officers, namely :—

(a) District Magistrates,

(b) Additional District Magistrates specially empowered in this behalf by the State Government,

(c)

Commissioners of Police, may, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub section.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless in the meantime it has been approved by the State Government.

4. *Execution of detention orders.*—A detention order may be executed at any place in the State in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898 (V of 1898).

5. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the State Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, within the State, by order of the State Government.

6. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder though within the State is outside the limits of the territorial jurisdiction of the officer making the order or

(b) that the place of detention of such person though within the State is outside the said limits

7. *Powers in relation to absconding persons.*—(1) If the State Government or an officer mentioned in sub-section (2) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898 (V of 1898), shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), every offence under clause (b) of sub-section (1) shall be cognizable.

8. *Grounds of order of detention to be disclosed to persons affected by the order.*—(1) When a person is detained in pursuance of a detention

order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention communicate to him the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

8. *Constitution of Advisory Boards.*—(1) The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Ordinance.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the State Government.

(3) The State Government shall appoint one of the members of the Advisory Board who is or has been a Judge of a High Court to be its Chairman.

10. *Reference to Advisory Boards.*—In every case where a detention order has been made under this Ordinance, the State Government shall, within thirty days from the date of detention under the order, place before the Advisory Board constituted by it under section 9 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in the case where the order has been made by an officer, also the report by such officer under sub-section (3) of section 3.

11. *Procedure of Advisory Boards.*—(1) The Advisory Board shall after considering the materials placed before it and, after calling for such further information as it may deem necessary from the State Government or from any person called for the purpose through the State Government or from the person concerned, and if in any particular case it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the State Government within ten weeks from the date of detention.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

12. *Action upon the report of Advisory Board.*—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the State Government may confirm that detention order and continue the detention of the person concerned for such period as it think fit.

(2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the State Government shall revoke the detention order and cause the person to be released forthwith.

13. *Maximum period of detention.*—The maximum period for which any person may be detained in pursuance of any detention order which

has been confirmed under section 12 shall be twelve months from the date of detention.

14. *Revocation of detention orders.*—(1) Without prejudice to the provisions of section 21 of the Bombay General Clauses Act, 1904 (Bom. 1 of 1904) a detention order may at any time be revoked or modified by the State Government, notwithstanding that the order has been made by an officer mentioned in sub-section (2) of section 3.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the State Government or an officer, as the case may be, is satisfied that such an order should be made.

15. *Temporary release of persons detained.*—(1) The State Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the State Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

16. *Protection of action taken under the Ordinance.*—No, suit, prosecution or other legal proceeding shall lie against the State Government or any person for anything in good faith done or intended to be done in pursuance of this Ordinance.

17. *Continuance of certain detention orders made under Act IV of 1950.*—Every detention order made under the Preventive Detention Act, 1950, (IV of 1950) by the State Government, or an officer subordinate to the State Government, in exercise of the powers conferred by sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 3 of that Act, and in force immediately before the commencement of this Ordinance, shall from such commencement be deemed to have been duly made by or under this Ordinance and shall continue in force according to the tenor of that order, until and unless it is earlier revoked or modified in pursuance of this Ordinance.

Explanation.—In respect of any person detained before the commencement of this Ordinance, his detention shall not continue beyond the maximum period described in sub-section (1) of section 11A of the Preventive Detention Act, 1950. (IV of 1950).

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dated February 10, 1970/Magha 21, 1891

**The Maharashtra Agricultural Produce Market Committees
(Extension of Term of Office of Members,) Ordinance, 1970.** Maharashtra
Ordinance, 1 of 1970.

An Ordinance to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.

Whereas, the term of office of members of the Market Committees functioning under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963. (Mah. XX of 1964) in the State expires on the 24th day of May, 1970 ;

And Whereas, the State Government considered it expedient that the new Market Committees should be established by electing agriculturists on the basis of an indirect mode of election with the intention of restricting the electorate ;

And whereas, a Bill to amend the said Act (being L. C. Bill No. XII of 1969) a Bill to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 for securing that intention has been introduced in the State Legislature, but has not been passed ;

And whereas, it is not now possible to hold the elections for establishing new Market Committees on the basis of such indirect mode of election before the 24th day of May, 1970, being the date on which the term of office of members of the existing Market Committees expires ;

And whereas, it is, therefore, considered that the term of office of members of each of the Market Committees functioning immediately before the commencement of this Ordinance should be extended for a further period of one year ;

And whereas, both Houses of the Legislature of the State of Maharashtra are not in session ;

And whereas, I, Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, am satisfied that circumstances exist which render it necessary for me to take immediate action to amend the said Act ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, I, Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, hereby make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Agricultural Produce Market Committees (Extension of Term of Office of Members) Ordinance, 1970.

(2) It shall come into force at once.

2. *Extension of term of office of members of Market Committees functioning before this Ordinance for a period not exceeding one year.*—The term of office of the members of each of the Market Committees functioning in the State under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963. (Mah. XX of 1964) immediately before the commencement of this Ordinance shall stand extended for a further period not exceeding one year, from the date of expiry of the term of office of such members unless new Market Committees are constituted earlier before the expiry of such further period of one year.

3. *Application of Mah. XX of 1964.*—Except as otherwise provided by this Ordinance the Maharashtra Agricultural Produce Marketing (Regulation) Act 1963, (Mah. XX of 1964) shall in all other respects apply to the Market Committees functioning as aforesaid.

STATEMENT

The term of Market Committees functioning under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 expires on May 24, 1970. Government, therefore, considered that in order to establish Market Committees before that date, the new market Committees should

be established by electing agriculturists on the basis of an indirect mode of election with the intention of restricting the electorate. L C. Bill No. XII of 1969 was accordingly introduced in the State Legislature during the last session but it could not be passed in that session. Since it is not now possible to hold the elections on the basis of such indirect mode of election of agriculturists, and it is necessary to take immediate action to extend the term of office of members of all the Market Committees and as the State Legislature is not in session, this Ordinance is promulgated.

Published in the *Maharashtra Govt. Gazette* Part IV, No. 13, dated February 27, 1970/Phalgun 8, 1891.

**The Bombay Building Repairs and Reconstruction Board
(Amendment) Ordinance 1970.**

Maharashtra Ordinance No. II of 1970.

An ordinance to amend the Bombay Building Repairs and Reconstruction Board Act 1969.

Whereas, both Houses of the Legislature of the State of Maharashtra are not in session.

And whereas, the Governor of Maharashtra, is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Building Repairs and Reconstruction Board Act, 1969; (Mah. XLVII of 1969.)

And whereas, the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Building Repairs and Reconstruction Board (Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. *Amendment of section 38 of Mah. XLVII of 1969.*—In section 38 of the Bombay Building Repairs and Reconstruction Board Act, 1969 (Mah. XLVII of 1969) (hereinafter referred to as "the principal Act") in sub-section (4),—

(a) before the words "the Commissioner has" the brackets and letter "a" shall be inserted;

(b) after the words "before the date aforesaid," the following shall be inserted, namely:—

"or (b) the commissioner issues under the said section 354 of that Act a written notice within nine months from the date on which the provisions of this Act are brought into force in the area in which such building is situated, requiring the owner or occupier thereof to pull down the building with a view to preventing all cause of danger therefrom, and such notice is not complied with (except for purposes beyond his control) before the date specified in such notice,"

3. *Insertion of section 39A in Mah. XLVII of 1969.*—After section 39 of the principal Act, the following new section shall be inserted, namely:—

"39A. *Temporary and alternative accommodation to effected occupiers.*—(1) Where the Board requires the occupiers of any building to vacate their premises to enable it to construct a new building on the land acquired under this Chapter, the Board shall allot temporary accom-

accommodation to such occupiers in any building maintained by it for such purpose, at such places and to such extent as it deems fit. The accommodation need not be in the same locality or of the same floor area as the premises vacated by the occupiers. If any occupier fails to accept and occupy the accommodation allotted to him, within one month from the date of allotment, the responsibility of the Board to provide him with any temporary accommodation shall cease.

(2) Every occupier shall, with effect from the date on which the land vests in the State Government, pay the rent for his premises to the Board at the same rate at which he was paying or (including the permitted increases, if any) to the owner, until he vacates the premises. Where the temporary accommodation allotted to any occupier is accepted by him, he shall pay to the Board rent for such accommodation at such rate as the Board may fix in this behalf.

(3) Subject to the above provisions, every occupier whether he accepts temporary accommodation or not, shall have a right to get such alternative accommodation in the new building or in such other building maintained by the Board on payment of such rent and subject to such other terms and conditions, as the Board may determine. If any occupier fails to accept and occupy the alternative accommodation allotted to him, within one month from the date of allotment, the responsibility of the Board to provide him with any alternative accommodation shall also cease."

Published in the *Maharashtra Government Gazette*, Ext., Part IV,
No. 14, dated February 27, 1970/Phalgun 8, 1891.

**The Maharashtra Land Revenue Code (Temporary Amendment)
Ordinance, 1970**

Maharashtra Ordinance No. III of 1970,

An Ordinance further to amend the Maharashtra Land Revenue Code, 1966.

Whereas, it has been reported to the State Government that there is a very large number of squatters on Government land especially in Greater Bombay, who have erected and are occupying unauthorised structures, and their number is increasing rapidly ;

And whereas, proceedings under section 53 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), have been taken for summary eviction of persons unauthorisedly occupying land vesting in Government followed by forfeiture of the structures under section 54 of the said Code ;

And whereas, as a temporary measure in some cases these hutment-dwellers have been allowed by Government to remain in the forfeited structures on payment of a licence fee therefor ;

And whereas, these unauthorised structures do not and cannot contain even the minimum amenities necessary for safety and sanitation, and some of them are also pockets of anti-social activities endangering the public peace ;

And whereas, it is necessary that such structures and occupation should not be continued or permitted any longer, and Government should get back vacant possession of its lands immediately for use for proper purposes after terminating the licences, if any ;

And whereas, there is, however, considerable effective opposition and obstruction to demolition and removal of the unauthorised structures and eviction of the large number of persons occupying Government land, because the procedure under the Land Revenue Code and other existing laws is found dilatory and not sufficiently deterrent to deal with this major problem ;

And whereas, it is, therefore, expedient to take special powers temporarily to enable Government to take intensive measures to deal with this problem effectively on an emergency basis ;

And whereas, both Houses of the Legislature of the State of Maharashtra are not in session ;

And whereas, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ;

And whereas, the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Land Revenue Code (Temporary Amendment) Ordinance, 1970

(2) It shall come into force at once.

2. *Insertion of new section 54A in Maharashtra XLI of 1966.*—During the period in which this Ordinance is in force, the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), shall have effect as if, after section 54, the following new section had been inserted, namely :—

"54A. Additional temporary powers for termination of licences, and removal of any building or other structure on any land or foreshore which is forfeited and of persons re-entering or remaining on the land or foreshore after eviction.—Where,—

(a) any person is evicted from any land or foreshore under section 53

(b) any building or other structure erected on any land or foreshore is forfeited under section 54 ;

(c) any person who entered unauthorisedly on the land or foreshore, is allowed to stay thereafter on payment of a licence fee for the land or structure thereon or both,—

then without prejudice to any other proceedings which may be taken against any such person, or in respect of the structure given on licence as aforesaid,—

(1) the Collector or any officer of Government authorised by the Collector may, notwithstanding anything contained in any law, or in any contract or agreement, for the time being in force at any time by order direct that the licence or permission (if any) granted to any such person shall be deemed to be terminated forthwith ;

(2) the Collector may, by written notice, which shall not be of less duration than 24 hours, require any person for the time being in occupation of the forfeited structure, to show sufficient cause, on or before such day and hour as shall be specified in such notice, why the forfeited building or other structure shall not be pulled down or removed ; and if such person fails to show cause, on or before the specified day and hour, to the satisfaction of the Collector, the Collector may pull down or remove the building or other structure, as the case may be ; and

(3) no person (including the person evicted) shall, without the previous permission of the Collector, enter on, or be on or in, or pass over, any such land or foreshore ; and if any person enters on or remains on, or in or passes over the land or foreshore in contravention of this section, he may be removed therefrom by the Collector or officer authorised and the Collector or officer authorised may take all such assistance as is necessary for the purpose."

STATEMENT

The problem of unauthorised encroachments in the form of slums on open Government lands in the State, particularly in Greater Bombay area, has assumed alarming proportions and has become a source of grave concern to the administration. These encroachments have led to disgraceful, unhygienic and insanitary conditions and have become a source of danger to the City and to law and order problem, some of them being dwelling places of anti-social elements. The magnitude of the problem can be assessed from the fact that in the 14 slums in Greater Bombay alone, which Government has decided to remove on priority basis, the number of hutments is of the order of 21,000. There the unauthorised structures on land vesting in Government have been forfeited under section 54 of the Maharashtra Land Revenue Code, 1966, and in some cases the hutment-dwellers have been temporarily allowed to remain in the forfeited structures on payment of a licence fee.

2 Under the existing sections 53 and 54 of the Maharashtra Land Revenue Code, 1966, the eviction of unauthorised persons and removal of unauthorised structures is possible, but this requires considerable time, and as such is not efficacious as experience hitherto gained shows. The Bombay Government Premises (Eviction) Act, 1955, empowers the competent authority to evict any person in occupation of Government premises, in the event of certain conditions being fulfilled as mentioned in section 4 of that Act. But the said Act does not empower the competent authority to demolish unauthorised structures. Besides, the process is cumbersome. Section 352A of the Bombay Municipal Corporation Act empowers the Municipal Commissioner to demolish structures which have been erected in contravention of the Building Regulations of the Corporation. However, this section does not vest the authority with the power of removing the occupiers thereof. Besides, in the case of Government land it is felt that the Collector and other officers of Government itself should be armed with adequate powers not involving the dilatory process of law to deal with such unauthorised structures and occupiers thereof.

3. As these unauthorised hutments do not satisfy conditions of safety and sanitation and are also pockets of anti-social activities endangering the public peace and further as these sites are immediately required for proper purposes, Government is convinced that to meet the situation there is urgent need for taking additional powers temporarily for immediate and effective eviction of the hutment dwellers and removal of the structures, which is feasible by further amendment of the Maharashtra Land Revenue Code, 1966.

4. As both Houses of the State Legislature are not in session and immediate action is required to be taken to amend the Land Revenue Code, this Ordinance is promulgated.

ALI YAVAR JUNG,

Dated the 27th February, 1970.

Governor of Maharashtra.

The Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the President on the 5th February, 1970 was published in the *Maharashtra Government Gazette*, Part IV, No. 10, dated February 12, 1970/Magha 23, 1891:

Maharashtra Act No. IX of 1970

An Act further to amend the Suits Valuation Act, 1887, and the Bombay

Court-fees Act, 1951, and to validate certain decrees and orders of the Bombay City Civil Court.

Whereas, the High Court of judicature at Bombay has, in Letters Patent Appeal No. 44 of 1963 (with A. O. No. 23 of 1968 and A. O. No. 301 of 1968) decided on the 15th October, 1968, held that where the subject-matter of a suit in Greater Bombay is not capable of being estimated in money value, it cannot be said that the money value of such suit is less than Rs 25,000; that such suit cannot be entertained by the Bombay City Civil Court (hereinafter referred to as "the City Court"); and that such suits must be filed in the High Court;

And whereas, the High Court has, in exercise of the powers conferred on it by section 9 of the Suits Valuation Act, 1887, (VII of 1887.) in its application to the State of Maharashtra and with the previous sanction of the State Government, made a rule under its Notification No. P-0126/58, dated the 30th July 1969, that suits of certain specified classes, the subject-matter of which, in the opinion of the Court, does not admit of being satisfactorily valued, shall, for the purposes of the said Act and any other enactment for the time being in force, be treated as if their subject-matter were of the value of three hundred rupees;

And Whereas, the High Court judgment aforesaid affects the decrees and orders already passed and made in suits and proceedings, the subject-matter of which did not admit of being satisfactorily valued, such suits and proceedings which may be pending and the filing of such suits and proceedings which may not be covered by the High Court rule aforesaid;

And Whereas, it is expedient to adopt the principal contained in the High Court rule and to enact with retrospective effect that generally all such suits and proceedings shall in Greater Bombay lie in the City Court, and to validate the decrees and orders passed and made in such suits and proceedings by the City Court before the High Court judgment was delivered;

And Whereas, it is also expedient further to amend the Bombay Court-fees Act, 1959 (Bom. XXX VI of 1959) to prescribe proper ad valorem fees in certain declaratory suits where a nominal fee is payable at present, and the provision is being abused;

And Whereas it is thus expedient further to amend the Suits Valuation Act, 1887, (VII of 1887.) in its application to the State of Maharashtra, and the Bombay Court-fees Act, 1959, (XXXVI of 1959.) to validate certain decrees and orders passed and made by the City Court and to make necessary supplemental and incidental provisions; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 9 of Act VII of 1887.*—For section 9 of the Suits Valuation Act, 1887, (VII of 1887.) in its application to the State of Maharashtra (hereinafter referred to as "the Suits Valuation Act"), the following section shall be, and shall be deemed always to have been substituted, namely :—

"9. *Value of certain suits to be three hundred rupees.*—Where the subject-matter of suits other than suits mentioned in the Court-fees Act,

1870, (VII of 1870) section 7, paragraphs (v) and (vi), and paragraph (x), clause (d), or in any corresponding provision of the Court-fees Act, for the time being in force in any area in the State, is such that it does not admit of being satisfactorily valued, then such suits shall, for the purposes of this Act, and if the High Court, with the previous sanction of the State Government, so directs also for the purposes of any other enactment for the time being in force specified in that behalf by the High Court, be treated as if their subject-matter is of the value of three hundred rupees; and the provisions of the last preceding section shall apply as if the court-fees therein are payable ad valorem under the relevant Court fees Act."

3. *Repeal of rule made by the High Court under section 9 of the Suits Valuation Act*—The rule made by the High Court, with the previous sanction of the State Government, under section 9 of the Suits Valuation Act and published in its Notification No. P-0126/58, dated the 30th July 1969, shall stand repealed.

4. *Amendment of section 6 of Bom. XXXVI of 1959*.—In section 6 of the Bombay Court-fees Act 1959 (Bom. XXXVI of 1959) (hereinafter referred to as "the Bombay Court-fees Act"), in paragraph (iv),—

(a) after sub-paragraph (h), the following sub paragraphs shall be inserted, namely :—

"(ha) *for avoidance of sale, contract for sale, etc.*—In suits for declaration that any sale, or contract for sale, or termination of contract for sale, of any moveable or immoveable property is void—one-fourth of ad valorem fee leviable on the value of the property ;

(hb) *for avoidance of acquisition proceedings*—In suits for declaration that any proceedings for compulsory acquisition of any moveable or immoveable property are void—one fourth of ad valorem fee leviable on the value of the property;"

(b) in sub-paragraph (j), for the words "—thirty rupees;" the following shall be substituted, namely :—

"—ad valorem fee payable, as if the amount or value of the subject-matter was three hundred rupees;"

5. *Amendment of Schedule II to Bom. XXXVI of 1959*.—In Schedule II to the Bombay Court-fees Act, in entry 23, in paragraph (f) in column 3, for the words "Thirty rupees" the words "Ad valorem fee payable, as if the amount or value of the subject-matter was three hundred rupees" shall be substituted.

6. *Validation and restoration and transfer of certain proceedings*.—(1) Notwithstanding anything contained in any judgment, decree or order of any Court, any decree passed or order made (other than an order of return of the plaint, petition or application on the ground hereinafter referred to), in any suit or other proceedings, the subject-matter of which was not susceptible of monetary evaluation or was not capable of being estimated in money value, by the City Court in the exercise or purported exercise of its jurisdiction under section 3 of the Bombay City Civil Court Act, 1948, (Bom XL of 1948) or any other enactment for the time being in force, shall be, and shall be deemed always to have been, valid and effectual, and shall not be called in question in any Court on the ground only that the subject-matter of the suit or other proceedings was not susceptible of monetary evaluation or was not capable of being estimated in money value and that therefore the City Court had no jurisdiction to entertain the suit or proceedings or to pass or to make the decree or order, as the case may be (hereinafter in this section referred to as "the said ground").

(2) (a) If any such suits or proceedings are pending in the City Court at the commencement of this Act, they shall be continued from the stage reached immediately before such commencement and heard and disposed of by that Court.

(b) Where any plaint, petition or application has been directed to be returned by the City Court by an order made before the commencement of this Act on the said ground for being presented to the proper Court, such order shall be void and of no effect; and the City Court shall, where plaint, petition or application has been returned, notwithstanding anything to the contrary in the Limitation Act, 1963 (XXXVI of 1963) or any other enactment for the time being in force, on application made to it within six months from the commencement of this Act by any person prejudicially affected by such order, receive back the plaint, petition or application and continue the suit or proceedings from the stage reached immediately before such order was made; and where the plaint, petition or application although ordered to be returned has not been returned before the commencement of this Act, the City Court shall, without any further application, continue the suit or proceedings from the stage reached immediately before such order was made.

(c) If any suits or proceedings, the subject-matter of which is not susceptible of monetary evaluation or is not capable of being estimated in money value, have been filed and pending in the High Court at the commencement of this Act, they shall be transferred to the City Court and shall be heard and disposed of by the City Court; and the City Court shall have all the powers and jurisdiction thereof as if they had been originally instituted in that Court. Any order made by the High Court granting any interim relief shall stand as if it had been made by the City Court.

(3) (a) Where in any appeal disposed of before the commencement of this Act, any decree passed or order made by the City Court has been found to be invalid on the said ground by the Appellate Court, and the Appellate Court has ordered that the plaint, petition or application be returned to the party for presentation to the proper Court, such order shall be void and of no effect; and the Appellate Court shall, where the plaint, petition or application has been returned, notwithstanding anything to the contrary in the Limitation Act, 1963 (XXXVI of 1963) or any other enactment for the time being in force, on application made to it within six months from the commencement of this Act by any person prejudicially affected by such order, receive back the plaint, petition or application and restore the appeal at and continue the appeal from the stage reached immediately before such order was made, and where the plaint, petition or application although ordered to be returned has not been returned before the commencement of this Act, the Appellate Court shall, without any further application, continue the appeal proceedings from the stage reached immediately before such order was made.

(b) Where in any appeal disposed of before the commencement of this Act, any order of return of the plaint, petition or application made by the City Court on the said ground has been confirmed by the Appellate Court, the order made by the Appellate Court shall be void and of no effect; and the City Court shall, where the plaint, petition or application has been returned, notwithstanding anything to the contrary in the Limitation Act, 1963 (XXXVI of 1963) or any other enactment for the time being in force, on application made to it within six months from the commencement of this Act by any person prejudicially affected by such order, receive back the plaint, petition or application and continue the suit or proceedings from the stage reached immediately before

the order of return was made by it; and where the plaint, petition or application although ordered to be returned has not been returned before the commencement of this Act, the Civt Court shall, without any further application continue the suit proceedings from the state reached immediately before the order of return was made by it

7. *Saving*.—Nothing contained in this Act shall affect the validity of any decrees passed or orders made in any suits or proceedings, the subject matter of which was not susceptible of monetary evaluation or was not capable of being estimated in money value, which were filed in the High Court on or after the 15th October 1968 and disposed of by that Court before the commencement of this Act.

The Bombay Ministers' Salaries and Allowances (Second Amendment) Act 1969.

The following Act of the Maharashtra Legislature, having been assented to by Shri S P. Kotval discharging the functions of the Governor of Maharashtra, on the 1st December 1969, was published in the *Maharashtra Govt. Gazette* Ext, Part IV, No. 65, dated December 1, 1969/Agrahayana 10, 1891.

Maharashtra Act No. L of 1969.

An Act further to amend the Bombay Ministers' Salaries and Allowances Act, 1956.

Whereas, it is expedient further to amend the Bombay Ministers' Salaries and Allowances Act, 1956, (Bom. XLVIII of 1956) for the purposes hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follow:—

1. *Short title and commencement*.—(1) This Act may be called the Bombay Ministers' Salaries and Allowances (Second Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2 of Bom. XLVIII of 1956*.—In clause (b) of section 2 of the Bombay Ministers' Salaries and Allowances Act, 1956 (Bom. XLVIII of 1956), (hereinafter referred to as "the principal Act"), for the words " 'Minister' and 'Deputy Minister' means respectively a Minister and a Deputy Minister" the words " 'Minister', 'Minister of State' and 'Deputy Minister' means respectively a Minister, a Minister of State and a Deputy Minister" shall be substituted.

3. *Amendment of section 3 of Bom. XLVIII of 1956*.—For section 3 of the principal Act, the following shall be substituted, namely:—

"3. *Salaries of Ministers and Ministers of State*.—There shall be paid to each Minister a salary of Rs. 1,400 per month; and to each Minister of State a salary of Rs. 1,200 per month."

4. *Amendment of section 4 of Bom. XLVIII of 1956*.—In section 4 of the principal Act,—

(1) for the word "Minister" at both the places where it occurs, the words "Minister and Minister of State" shall be substituted;

(2) in the marginal note, for the word "Ministers" the words "Ministers and Ministers of State" shall be substituted.

5. *Amendment of section 5 of Bom. XLVIII of 1956*.—In section 5 of the principal Act;—

(1) in sub-section (1),—

(a) for the words "the Ministers" the words "the Ministers and Ministers of State" shall be substituted; and

(b) after the words "in this behalf" the words "The State Government may also provide free of charge the services of a chauffeur for each motor car or conveyance so provided", shall be added ;

(2) in sub-section (2), for the words "each Minister" the words "each Minister and Minister of State" shall be substituted ;

(3) to the marginal note, the words "and Ministers of State" shall be added.

6. *Amendment of section 6 of Bom. XLVIII of 1956.*—In section 6 of the principal Act, for the words, letters and figures "a salary of Rs. 750 per month" the words, letters and figures "a salary of Rs. 1,000 per month" shall be substituted.

7. *Amendment of section 8 of Bom. XLVIII of 1956.*—In sub-section (1) of section 8 of the principal Act, after the words "in this behalf" the words "The State Government may also provide free of charge the services of a chauffeur for each motor car or conveyance so provided" shall be added.

8. *Amendment of section 9 of Bom. XLVIII of 1956.*—In section 9 of the principal Act for the words "a Minister or Deputy Minister" the words "Minister or Minister of State or Deputy Minister" shall be substituted.

9. *Amendment of section 10 of Bom. XLVIII of 1956.*—In section 10 of the principal Act, for the words "a Minister and a Deputy Minister" the words "a Minister, a Minister of State and a Deputy Minister" shall be substituted ; and for the words "the Minister" the words "the Minister, the Minister of State" shall be substituted.

10. *Amendment of section 12 of Bom. XLVIII of 1956.*—In section 12 of the principal Act,—

(1) for the words "a Minister or a Deputy Minister" the words "a Minister or a Minister of State or a Deputy Minister" shall be substituted ;

(2) in the marginal note, for the words "Ministers and" the words "Ministers, Ministers of State and" shall be substituted.

11. *Amendment of section 13 of Bom. XLVIII of 1956.*—In section 13 of the principal Act,—

(1) for the words "office of a Deputy Minister" the words "office of a Minister of State or of a Deputy Minister" shall be substituted ;

(2) in the marginal note, for the words "Deputy Ministers" the words "Ministers of State and Deputy Ministers" shall be substituted.

12. *Repeal of Mah. Ord. XV of 1969.*—The Bombay Ministers' Salaries and Allowances (Amendment) Ordinance, 1969 (Mah. Ord. XV of 1969), is hereby repealed.

The Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the President on the 24th December, 1969, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 72, dated December 26, 1969/Pauza 5, 1891.

Maharashtra Act No. LVII of 1969.

An Act to make provision for regulating in the public interest the trade of certain minor forest produce by creation of a State monopoly in such trade in the State of Maharashtra.

Whereas, it is expedient to provide for regulating in the public interest the trade of certain minor forest produce by creation of a State monopoly in such trade in the State of Maharashtra ; and for matters connected therewith ; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title, extent, commencement and application.*—(1) This Act may be called the Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force in such area or areas, and on such date or dates as the State Government may, by notification in the Official Gazette, specify.

(4) It shall apply in respect of the minor forest produce specified in the Schedule.

2. *Definitions.*—In this Act, unless the context otherwise requires :—

(a) ‘agent’ means an agent appointed under section 4 ;

(b) ‘Code’ means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ;

(c) ‘Committee’ means an Advisory Committee constituted under sub-section (1) of section 6 ;

(d) ‘grower of minor forest produce’ means :—

(i) in respect of minor forest produce grown in areas as may, from time to time, be constituted, as reserved or protected forests under the Indian Forest Act, 1927, (XVI of 1927) the State Government ; and

(ii) in respect of minor forest produce grown in areas not covered by sub clause (i)—

(a) the State Government, where the minor forest produce is grown on unoccupied land as defined in clause (41) of section 2 of the Code ;

(b) the occupant or a tenant or a Government lessee of the holding or a superior holder, as the case may be, in a unit on which the minor forest produce grows ; and includes every person who, from time to time, claims title to such produce through him ;

(e) ‘minor forest produce’ means any forest produce as defined in clause (a) and clause (b) (i) and (ii) of sub-section (4) of section 2 of the Indian Forest Act, 1927 (XVI of 1927) (including timber, trees and charcoal, but including bamboos) as may be specified in the Schedule ; and the State Government may, from time to time by notification in the Official Gazette, add to or modify the Schedule, after considering the necessity in the public interest of regulating the trade of any minor forest produce ; and the provisions of sub-section (3) of section 19 in so far as they relate to laying before, and modification by, the State Legislature shall apply in the relation to such notification as they apply in relation to any rule made under that section ;

(f) ‘specified area’ means the area specified in the notification under sub-section (3) of section 1 ;

(g) ‘tenant’ includes—

(i) a tenant as defined in sub-section (40) of section 2 of the Code, and

(ii) a tenant as defined in—

(a) the Bombay Tenancy and Agricultural Land Act, 1948 (Bom. LXVII of 1948), in relation to the Bombay area of the State of Maharashtra ;

(b) the Hyderabad Tenancy and Agricultural Lands Act, 1950, (Hyd. Act XI of 1950.) in relation to the Hyderabad area of the State of Maharashtra ;

(c) the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, (Bom. XCIX of 1958) in relation to the Vidarbha region of the State of Maharashtra ;

(h) 'unit' means a sub-division of specified area constituted into a unit under section 3 ;

(i) words and expressions "Government lessee", "holding", "occupant" and "superior holder", shall have the meanings, respectively, assigned to them in the Code ;

(j) words and expressions used but not defined in this Act, and defined in the Indian Forest Act, 1927, (XVI of 1927) shall have the meanings respectively, assigned to them in that Act.

3. *Constitution of units.*—The State of Government may divide every specified area into such number of units as it may deem fit in respect of each minor forest produce.

4. *Appointment of agents.*—(1) The State Government may, for the purpose of purchase of, and trade in any minor forest produce on its behalf, appoint agents in respect of different units, and any such agent may be appointed in respect of more than one unit.

(2) The terms, conditions and the procedure for appointment of agents shall be such as may be prescribed.

5. *Restriction on purchase or transport of minor forest produce.*—(1) On the issue of a notification under sub-section (3) of section 1 in any area, no person other than,—

(a) the State Government ;

(b) an officer of the State Government authorised in writing in that behalf ; or

(c) an agent in respect of the unit in which the minor forest produce has grown ;
shall purchase or transport the minor forest produce to which this Act applies.

Explanation. 1—Purchase of minor forest produce from the State Government, or the aforesaid Government Officer, or agent, shall not be deemed to be a purchase in contravention of the provisions of this Act.

Explanation II.—A person having no interest in the holding who has acquired the right to collect any minor forest produce grown on such holding shall be deemed to have purchased such produce in contravention of the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1),—

(a) a grower of any minor forest produce may transport such produce belonging to him from any place within the unit wherein such produce has grown, to any other place in that unit ; and

(b) minor forest produce purchased from the State Government or any officer or agent specified in the said sub-section by any person for manufacture of finished goods using such produce within the State or by any person for sale outside the State may be transported by such person outside the unit in accordance with the terms and conditions of a permit, to be issued in that behalf by such authority and in such manner as may be prescribed.

(3) Any person desiring to sell minor forest produce may sell it to the aforesaid Government Officer or agent at any depot situated within the said unit.

6. *Constitution of Advisory Committee.*—(1) The State Government shall, for each year commencing on the 1st day of July and ending on the 30th day of June next following, constitute, in respect of each minor forest produce, an Advisory Committee for one or more Revenue Commissioners' divisions in the State consisting of not more than nine members as may be notified by the State Government from time to time for the purpose of advising the State Government in the matter of fixa-

tion, from time to time, of a fair and reasonable price at which such produce may be purchased by the State Government or its authorised officer or agent, as is offered for sale in such division or divisions in accordance with the provisions of this Act :

Provided that, two of the members shall be from amongst the traders of the respective minor forest produce, or manufacturers of finished goods using such produce and four members shall be from amongst the growers of the respective minor forest produce other than the State Government.

(2) It shall also be the duty of the Committee to advise the State Government on such other matters as may be referred to it by the State Government.

(3) The business of the Committee shall be conducted in such manner as may be prescribed.

(4) The members of the Committee shall be entitled to such allowances as may be prescribed :

Provided that, a member of the State Legislature, while holding the office of member of the Committee shall not be entitled to receive any allowances other than travelling allowance, daily allowance or such other allowance which is paid to the holder of such office for the purpose of meeting the personal expenditure incurred in attending the meeting of the Committee or in performing any other functions as holder of such office.

(5) The Committee shall tender its advice to the State Government within such period as the State Government may, for each Committee, specify in this behalf.

7. *State Government to fix price in consultation with Committee.*— The State Government shall, after consultation with the Committee, constituted under section 6 in respect of any particular minor forest produce, fix the price at which such produce shall be purchased by it or by any of its authorised officer or agent, from growers of that produce and shall publish the same in the Official Gazette and in such other manner as may be prescribed not later than the 31st day of December ; and the price so fixed shall not be altered during the year to which the price relates :

Provided that, if the Committee fails to tender advice within the period specified under sub section (5) of section 6 (or such further period not exceeding fifteen days as the State Government may allow), the State Government may proceed to fix the price without consultation with the Committee :

Provided further that, different prices may be fixed for different units, and in so doing regard shall be had amongst other things, to —

(a) prices of the respective minor forest produce obtained or fixed under this Act, or any enactment during the preceding three years in respect of the area comprised in the unit ;

(b) the quality of the minor forest produce grown in the unit ;

(c) transport facilities available in the unit ;

(d) the cost of transport ; and

(e) the general level of wages for unskilled labour prevalent in the unit

8. *Opening of depots and publication of price list etc., at depot.*— There shall be set up in each unit such number of depots, and at such

places, as the State Government may, taking into consideration the convenience of the growers of the respective minor forest produce, direct; and a price list of such produce fixed by the State Government under section 7 and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.

9. *State Government or agent to purchase minor forest produce.*—(1) The State Government or its authorised officer or agent shall be bound to purchase at the price fixed under section 7 minor forest produce offered for sale at the depot during the hours of business :

Provided that, it shall be open to the State Government or the authorised officer or the agent to refuse to purchase any minor forest produce which in their opinion is not fit for the purpose of manufacture of finished goods using such produce, or for any other commercial purpose.

(2) Any person aggrieved by the refusal to purchase minor forest produce by an authorised officer or agent under the proviso to sub-section (1), may, within fifteen days therefrom, refer the matter to the Divisional Forest Officer ; or such other officer who may be empowered by the State Government in this behalf, having jurisdiction over the unit in which the minor forest produce has grown.

(3) On receipt of a complaint under sub section (2), the Divisional Forest Officer or such other officer, as the case may be, shall hold an enquiry on the spot or at the headquarters, in the prescribed manner ; and after hearing the parties concerned or their authorised agent shall pass such orders as he may deem fit ; and in case he finds the refusal to purchase the minor forest produce to be improper, he may,—

(a) if he considers the minor forest produce in question still suitable for the manufacture of finished goods, or for any other commercial purpose direct the authorised officer or agent, as the case may be, to purchase the same, and may also award to the person aggrieved such further compensation not exceeding twenty per centum of the price of the minor forest produce payable to him, as he may deem fit ;

(b) if he considers that the minor forest produce in question has since become unsuitable for manufacture of finished goods or for any other commercial purpose, direct the payment to the person aggrieved of any amount not less than the price of such minor forest produce payable to him under sub-section (1) and such further compensation not exceeding twenty per centum of such price as he may deem fit by way of damages for the loss suffered by such person.

(4) Nothing in this section shall be construed as to debar the appropriation of any minor forest produce offered for sale, if the State Government or its authorised officer or the agent has reason to believe that such produce appertains to forest or lands belonging to the State Government and paying only such collection charges, if any, as the State Government may from time to time determine :

Provided that, in the case of any dispute, the Divisional Forest Officer or such other officer who may be specifically empowered in this behalf as specified in sub-section (2), shall hear and dispose of the same in the manner provided therein.

(5) Any person aggrieved by the decision of any officer referred to in the proviso to sub-section (4) may, within a period of thirty days from the date of receipt of such decision, prefer an appeal to the State Government ; and the decision of the State Government on such appeal shall be final.

10. *Registration*.—Every grower of minor forest produce other than the State Government shall, if the quantity of such produce grown by him during a year is likely to exceed such quantity as may be prescribed get himself registered in the prescribed manner.

11. *Registration of manufacturers of finished goods using minor forest produce and exporters of minor forest produce*.—(1) Every manufacturer of finished goods using minor forest produce, and every exporter of minor forest produce shall get himself registered within such period, on payment of such fee, and in such manner, as may be prescribed.

(2) Every such manufacturer and exporter registered under subsection (1) shall furnish a declaration in such form, by such date, and in such manner as may be prescribed.

12. *Disposal of minor forest produce*.—Any minor forest produce purchased by the State Government or by its officer or agent, under this Act, shall be sold or otherwise disposed of in such manner as the State Government may direct.

13. *Delegation of powers*.—The State Government may, by order, in the Official Gazette delegate any of its powers or functions under this Act or the rules made thereunder to any officer or authority not below the rank of an Assistant Conservator of Forests who shall exercise or perform the same, subject to such conditions and restrictions as the State Government may specify in the order.

14. *Power of entry, search, seizure, etc*.—(1) Any police officer not below the rank of a Sub-Inspector or any other person authorised by the State Government may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfying himself that the said provisions have been complied with—

(i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of a minor forest produce ;

(ii) enter and search any place ;

(iii) seize minor forest produce in respect of which he suspects that any provision of this Act, or the rules made thereunder has been, is being or is about to be contravened along with the receptacle containing such produce or the vehicles or boats used in carrying such produce.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (V of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

15. *Penalty*.—If any person contravenes any of the provisions of this Act or the rules made thereunder :—

(a) he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both ;

(b) the minor forest produce in respect of which such contravention has been made or such part thereof as the Court may deem fit shall be forfeited to the State Government :

Provided that, if the Court is of the opinion that it is not necessary to direct forfeiture in respect of the whole, or as the case may be, any part of the minor forest produce, it may, for reasons to be recorded, refrain from doing so.

16. *Attempts and abetment*.—Any person who attempts to contravene or abets the contravention of any provision of this Act or the rules made thereunder shall be deemed to have contravened such provisions.

17. *Cognisance of offences*.—No Court shall take cognisance of any offence punishable under this Act except on a report in writing of the

facts constituting such offence made by any Forest Officer not below the rank of a Divisional Forest Officer or by any other officer as may be authorised by the State Government in this behalf.

18. *Savings in respect of acts done in good faith.*—(1) No suit prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act, or by anything which is in good faith done or intended to be so done in pursuance of this Act, or the rules made thereunder.

19. *Power to make rules.*—(1) The State Government may make, subject to the condition of previous publication, rules to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely:—

- (a) procedure to be followed in making appointment of agents;
- (b) publication of the price lists of minor forest produce;
- (c) manner of holding enquiries under this Act;
- (d) the authority by whom, the manner in which and the conditions subject to which, permits may be issued;
- (e) the manner of registration under section 10;
- (f) (i) manner of registration, the period within which such registration shall be made and fee payable therefor, under sub-subsection (1) of section 11;
- (ii) form of declaration, authority to whom, date by which and the manner in which the declaration shall be furnished under sub-section (2) of section 11;
- (g) any other matter which is either expressly or implied required to be prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of any thing previously done or omitted to be done under that rule.

20. *Act XVI of 1927 not to apply to minor forest produce for purposes covered under this Act.*—Nothing contained in the Indian Forest Act, 1927 (XVI of 1927) shall apply to minor forest produce in respect of matters for which provisions are contained in this Act.

21. *Removal of difficulties.*—If any difficulty arises in giving effect, to the provisions of this Act the State Government may, by order, do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

22. *Repeal and saving.*—(1) The Maharashtra Minor Forest Produce (Regulation of Trade) Ordinance, 1969, (Mah. Ord. XIV of 1969.) is hereby repealed.

(2) Anything done or any action taken by or under the Ordinance so repealed, shall be deemed to have been done or taken under this Act as if this Act had come into force on the 22nd day of October, 1969.

SCHEDULE.

[See section 2 (e).]

1. Temburni (or tendu) leaves.

The Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval discharging the functions of the Governor of Maharashtra, on the 1st December 1969 was published in the *Maharashtra Govt Gazette* Ext Part IV, No. 66, dated December 1, 1969/ Agra-hayana 10, 1891.

Maharashtra Act No. LI Of 1969

An Act further to amend the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1956

Whereas, it is expedient further to amend the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1956 (Bom. XLVII of 1956) for the purposes hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement*—(1) This Act may be called the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. *Amendment of section 3 of Bom. XLVII of 1956*.—In section 3 of the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1956 (XLVII of 1956 (hereinafter referred to as "the principal Act"), for the words, letters and figures "a salary of Rs. 11,00 per month" the words, letters and figures "a salary of Rs. 1,400 per month" shall be substituted.

3. *Amendment of section 4-A of Bom. XLVII of 1956*.—In section 4-A of the principal Act,—

(a) for the words "There shall be paid to the Chairman" the words "There shall be placed at the disposal of the Chairman" shall be substituted; and

(b) for the words "one thousand rupees" the words "five thousand rupees" shall be substituted,

4. *Amendment of section 5 of Bom. XLVII of 1956*.—In sub-section (1) of section 5 of the principal Act, after the words "in this behalf" the words "The State Government may also provide free of charge the services of a chauffeur for each motor car or conveyance so provided." shall be added.

5. *Amendment of section 10 of Bom. XLVII of 1956*.—In section 10 of the principal Act, for the words, letters and figures "a salary of Rs.

750 per months" the words, letters and figures a salary of Rs. 1,200 per months" shall be substituted.

6. *Amendment of section 11-A of Bom. XLVII of 1956.*—In sub-section (i) of section 11-A of the principal Act, after the words "In this behalf, the words 'The State Government may also provide free of charge the services of a chauffeur for each motor car or conveyance so provided'" shall be added.

The Bombay Legislature Members' Salaries and Allowances (Third Amendment) Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 1st December 1969 was published in the *Maharashtra Government Gazette*, Ext., No. 67, dated December 1, 1969/ Agraphayana 10, 1891.

Maharashtra Act No. LII of 1969

An Act further to amend the Bombay Legislature Members' Salaries and Allowances Act, 1956.

Whereas, it is expedient further to amend the Bombay Legislature Members' Salaries and Allowances Act, 1956 (Bom. XLIX of 1956) for the purposes hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Legislature Members' Salaries and Allowances (Third Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2 of Bom. XLIX of 1956*—In section 2 of the Bombay Legislature Members' Salaries and Allowances Act, 1956 (Bom. XLIX of 1956) (hereinafter referred to as "the principal Act"), in clause (f), for the words " 'Minister' and 'Deputy Minister' means respectively a Minister and a Deputy Minister" the words " 'Minister of State' and 'Deputy Minister' means respectively a Minister, a Minister of State and a Deputy Minister" shall be substituted.

3. *Amendment of section 3 of Bom. XLIX of 1956.*—In section 3 of the principal Act,—

(1) in sub-section (1), for the letters and figures "Rs. 250" the letters and figures "Rs. 300" shall be substituted;

(2) in sub-section (2), for the letters and figures "Rs. 150" the letters and figures "Rs. 200" shall be substituted.

4. *Amendment of section 4 of Bom. XLIX of 1956*—In section 4 of the principal Act, for the letters and figures, "Rs. 21", at both the places where they occur, the letters and figures, the "Rs. 30" shall be substituted.

5. *Amendment of section 7 of Bom. XLIX of 1956.*—In section 7 of the principal Act,—

(1) for the words "a Minister or Deputy Minister" the words "a Minister, Minister of State or Deputy Minister" shall be substituted; and for the words "the Minister, Deputy Minister" the words "the Minister, Minister of State, Deputy Minister" shall be substituted;

(2) in the marginal note, for the words "Ministers, Deputy Ministers" the words "Ministers, Ministers of State, Deputy Ministers" shall be substituted.

The Maharashtra (Third Supplementary) Appropriation Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 24th December 1969 was published in the *Maharashtra Government Gazette*, Ext., No. 73, dated December 29, 1969/Pausa 8, 1891.

Maharashtra Act No. LVIII of 1969

[Remaining text omitted.

Editor]

The Maharashtra Appropriation (Excess Expenditure) Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 29th December 1969 was published in the *Maharashtra Government Gazette*, Ext., No. 1, dated January 3, 1969/Pausa 13 1891.

Maharashtra Act No. 1 of 1970

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1967, in excess of the amounts granted for those services and for that year.

[Remaining text omitted.

Editor]

The Bombay wild Animals and wild Birds Protection (Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 13th January 1970 was published in the *Maharashtra Govt. Gazette* Ext., No. 3 Part IV, dated January 14, 1970 Pausa 25, 1891.

Maharashtra Act No. III of 1970.

An Act further to amend the Bombay Wild Animals and Wild Birds Protection Act, 1951.

Whereas, it is expedient further to amend the Bombay Wild Animals and Wild Birds Protection Act, 1951, (Bom- XXIV of 1951) for the purpose hereafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Wild Animals and Wild Birds Protection (Amendment) Act 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. *Amendment of section 5 of Bom. XXIV of 1951.*—In section 5 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bom. XXIV of 1951 (hereinafter referred to as "the principal Act"), for the words "any officer subordinate to him", the words "any officer of the State Government," shall be substituted.

3. *Amendment of section XXIV of 1951.*—In section 10 of the principal Act,—

(a) for the words and figures "the Indian Arms Act, 1878," (XI of 1878) the words and figures "the Arms Act, 1959," (54 of 1959) shall be substituted;

(b) after the words "possesses any arms," the words "and desires to obtain any licence (other than a Bird Licence) granted under this Act," shall be inserted.

4. *Amendment of section 11 of Bom. XXIV of 1951.*—In section 11 of the principal Act,—

(a) in sub-section (2), after entry (e), the following entries shall be added, namely:—

"(f) Bird Licence,

(g) Block Licence";

(h) in sub-section (4), after the words "such period" the words and in such area" shall be inserted.

5. *Amendment of section 12 of Bom. XXIV of 1951.*—In section 12 of the Principal Act,—

(a) in sub-section (1), for the words, brackets and letters "or (e)", the brackets, letters and word "(e) or (g)" shall be substituted;

(b) in sub-section (2),—

(i) for the words "such licence, he shall not later than fifteen days" the words "a Big Game Licence, Special Big Game Licence or Block Licence, he shall within three days" shall be substituted;

(ii) for the words "the animal or bird" the words "the Big Game or Special Big Game" shall be substituted.

6. *Amendment of section 13 of Bom. XXIV of 1951.*—In section 13 of the principal Act,—

(a) after the words "Wild Life Preservation Officer," the words "or any other officer authorised by the State Government in this behalf," shall be inserted;

(b) at the end, the following shall be added:—

"Subject to any general or special orders of the State Government, it shall also be lawful for the Wild Life Preservation Officer or the authorised officer to grant at his discretion a reward to any person for killing of any animal or birds as are a source of serious menace to human life or property.

7. *Amendment of section 14 of Bom. XXIV of 1951.*—In section 14 of the principal Act, after sub-section (1), the following sub-section shall be added, namely:—

(2) No holder of a licence shall be entitled to any compensation for the suspension or cancellation of the licence, nor to a refund of any fee paid in respect thereof."

8. *Amendment of section 15 of Bom. XXIV of 1951.*—In section 15 of the principal Act, to sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that, in any area under cultivation the hunting of any specified class of herbivorous female game which is a menace to such cultivation may be permitted under a special permission granted by the Wild Life Preservation Officer or any other officer authorised by the State Government in this behalf."

9. *Substitution of section 45-B of Bom. XXIV of 1951.*—For section 45-B of the principal Act, the following section shall be substituted namely:—

45-B. *Power to compound offences.*—(1) The State Government may, by notification in the Official Gazette, empower the Wild Life Preservation Officer, or any officer not below the rank of Conservator of Forests,—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, by way of composition of the offence, payment of a sum of money, not exceeding one thousand rupees if the offence, is in respect of a special big game and not exceeding five hundred rupees in the case of any other offence, or at the discretion of such officer, an undertaking in writing from such person to pay like sum within a specified period ;

(b) when any property has been seized under section 44, to release the same on payment of the value thereof as estimated by such officer, or at the discretion of such officer on accepting an undertaking in writing from the person concerned to pay the estimated value within a specified period.

(2) On payment of such sum of money or such value or both to such officer, or on acceptance of such undertaking or undertakings by such officer, as the case may be, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings in respect of the offence shall be taken against such person:

Provided that any sum payable under any such undertaking, if not paid when due, shall be recoverable as an arrear of land revenue."

10. *Amendment of Schedule I to Bom. XXIV of 1951.*—In Schedule I to the principal Act,—

(a) entry 10 shall be deleted ;

(b) entry 11 shall be deleted.

11. *Amendment of Schedule II to Bom. XXIV of 1951.*—In Schedule II to the principal Act,—

(a) in entry 8, for the brackets and words "(excluding Great Indian Bustard)" the brackets and words "(including Great Indian Bustard)" shall be substituted ;

(b) entry 12 shall be deleted ;

(c) entry 16 shall be deleted ;

(d) after entry 22, the following entries be added, namely :—

"23. Parakeet.

24. Birds of prey."

12. *Amendment of Schedule III to Bom. XXIV of 1951.*—In Schedule III to the principal Act,—

(a) in entry 2, for the figures and word "12 inches" the figures and word "30 centimetres" shall be substituted ;

(b) in entry 4, the figures and word "30 inches" the figures and word "75 centimetres" shall be substituted ;

(c) in entry 5, for the figures and word "20 inches" the figures and word "50 centimetres" shall be substituted.

13. *Amendment of Schedule IV to Bom. XXIV of 1951.*—In Schedule IV to the principal Act, in entry 1, in clause (a), for the figures and word "33 inches", the figures and word "83 centimetres", and in clause (b), for the figures and word "18 inches" the figures and word "45 centimetres" shall be substituted.

The Maharashtra Land Revenue Code (Amendment) Act, 1969.

The following Act of the Maharashtra Legislature having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 13th January, 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 4, dated January 14, 1970/ Pansa 25, 1891.

Maharashtra Act No. IV of 1970.

An Act further to amend the Maharashtra Land Revenue Code, 1966.

Whereas, it is expedient further to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for the purposes hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India, as follows:—

1. *Short title and commencement*—(1) This Act may be called the Maharashtra Land Revenue Code (Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Amendment of sections 3 and 4 of Mah. XLI of 1966.*—In section 3, and in clause (i) of sub-section (1) of section 4, of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), (hereinafter referred to as 'the principal Act'), for the brackets and words "(including the City of Bombay)" the brackets and words "(excluding the City of Bombay)" shall be substituted.

3. *Amendment of section 44 of Mah. XLI of 1966*—In section 44 of the principal Act, in sub-section (3), after the words "then within ninety days" the words "or as the case may be, within fifteen days" shall be inserted.

4. *Amendment of section 115 of Mah. XLI of 1966.*—In section 115 of the principal Act, for the words "The non-agricultural assessment" the words "Except as otherwise directed by the State Government in the case of co-operative societies and housing boards established under any law for the time being in force in this State, the non agricultural assessment" shall be substituted.

5. *Amendment of section 248 of Mah. XLI of 1966.*—In section 248 of the principal Act, after the words "invested with powers of Director of Land Records" the words "or by the Collector of Bombay or by any Assistant or Deputy Collector subordinate to him invested with the appellate power of the Collector" shall be inserted.

6. *Amendment of section 328 of Mah. XLI of 1966.*—In section 328 of the principal Act, in sub-section (2), in clause (xxx), the words "and the limits of area or land revenue below which partition may be rejected" shall be deleted.

7. *Insertion of new section 330 A in Mah. XLI of 1966.*—After section 330 of the principal Act, the following new section shall be inserted, namely:—

"330A. *Delegation of powers and duties.*—Save as specially provided in this Code, the State Government, and subject to the approval of the State Government, any Commissioner or Collector may, by notification in the Official Gazette, direct that all or any of the powers conferred or duties imposed on it or him by or under this Code may, subject to such restrictions and conditions, if any, be exercisable also by such officer not below such rank, as may be specified in the notification."

8. *Amendment of Schedule E to Mah. XLI of 1966.*—In Schedule E appended to the principal Act, in column 1, under heading 'Revenue Officer', in entry 3, after the word "Collector" where it occurs for the first time, the brackets and words "(not being the Collector of Bombay)" shall be inserted.

The Bombay Municipal Corporation (Second Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 14th January, 1970, was published in the *Maharashtra Govt. Gazette, Ext., Part IV, No. 5, dated January 17, 1970/* Pansa 27, 1891.

Mharashtra Act No. V of 1970.

An Act further to amend the Bombay Municipal Corporation Act.

Whereas, it is expedient further to amend the Bombay Municipal Corporation Act (Bom. III of 1888), for the purposes hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Municipal Corporation (Second Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 1st day of April, 1965.

2. *Amendment of section 58 of Bom. III of 1888*—In section 58 of the Bombay Municipal Corporation Act (Bom. III of 1888), (hereinafter referred to as 'the principal Act'), for the portion beginning with the words "not exceeding" and ending with the words "time to time, determine," the following shall be substituted; namely :—

"as the Corporation shall, from time to time, with the approval of the State Government, determine :

Provided that, the salary of a Deputy Municipal Commissioner shall not be altered to his disadvantage during his period of office;"

3. *Amendment of section 58A of Bom. III of 1888.*—In section 58A of the principal Act,—

(a) for the portion beginning with the words "not exceeding" and ending with the words "time to time, determined :—" the following shall be substituted, namely :—

"as the Corporation shall, from time to time, with the approval of the State Government, determine :—" ;

(b) after the second proviso, the following proviso shall be added, namely :—

"Provided also that, the salary of the Deputy Municipal Commissioner (Improvements) shall not be altered to his disadvantage during his period of office,"

4. *Amendment of section 60A of Bom. III of 1888.*—In section 60A of the principal Act, in sub-section (1), in clause (b) after the word "determined" the words " ; but the salary of the General Manager shall not be altered to his disadvantage during his period of office" shall be inserted

5. *Amendment of section 74 of Bom. III of 1888.*—In section 74 of the principal Act, in sub-section (1), in clause (c), for the portion beginning with the words "shall subject to the following" and ending with the words, letters and figures "less than Rs.1,200;" where they occur for the last time, the following shall be substituted, namely :—

"shall, from time to time, with the approval of the State Government, determine; but the salary of any such officer shall not be altered to his disadvantage during his period of office;"

6. *Amendment of section 76A of Bom. III of 1888.*—In section 76A of the principal Act, in clause (b), for the portion beginning with the

words "not exceeding" and ending with the words "time to time determine;" the following shall be substituted, namely :—

"as the Corporation shall, from time to time, with the approval of the State Government, determine; but the salary of such officer shall not be altered to his disadvantage during his period of office;"

7. *Amendment of section 77 of Bom. III of 1888.*—In section 77 of the principal Act, in sub-section (2), in clause (b), for the portion beginning with the words "not exceeding" and ending with the words "time to time determine;" the following shall be substituted, namely :—

"as the Corporation shall, from time to time, with the approval of the State Government, determine, but the salary of such officer shall not be altered to his disadvantage during his period of office;"

8. *Amendment of section 78A of Bom. III of 1888.*—In section 78A of the principal Act, in sub-section (1), in clause (c), for the portion beginning with the words "not exceeding" and ending with the words "time to time determine;" the following shall be substituted, namely :—

"as the Corporation shall, from time to time, with the approval of the State Government, determine;" but the salary of such officer shall not be altered to his disadvantage during his period of office;"

9. *Amendment of section 78C of Bom. III of 1888.*—In section 78C of the principal Act, in sub-section (1), in clause (c), for the portion beginning with the words "not exceeding" and ending with the words "time to time determine;" the following shall be substituted, namely :—

"as the Corporation shall, from time to time, with the approval of the State Government, determine; but the salary of such officer shall not be altered to his disadvantage during his period of office;"

The Bombay Municipal Corporation (Third Amendment) Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra on the 13th January 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 6, dated January 17, 1970/Pausa 27, 1891.

Maharashtra Act No. VI of 1970

An Act further to amend the Bombay Municipal Corporation Act.

WHEREAS it is expedient further to amend the Bombay Municipal Corporation Act (Bom. III of 1888) for the purpose hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Bombay Municipal Corporation (Third Amendment) Act, 1969.

2. *Amendment of section 143 of Bom. III of 1888* —In section 143 of the Bombay Municipal Corporation Act (Bom. III of 1888), in sub-section (1), after clause (b), the following clause shall be, and shall be deemed always to have been, inserted, with effect from the 1st day of April 1967 namely:—

"(c) such buildings and lands belonging to any Diplomatic or Consular Mission of a foreign State as Government may by general or special order specify in this behalf."

The Maharashtra (Vidarbha Region) Agriculture Debtors Relief (Amendment) Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by Shri S. P. Kotval, discharging the functions of the Governor of Maharashtra, on the 8th January 1970 was published in

the *Maharashtra Government Gazette*, Part IV, No. 7, dated January 17, 1970/Pausa 27, 1891.

Maharashtra Act No. VII of 1970

An Act to amend the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969.

WHEREAS it is expedient to amend the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969, for the purposes herein after appearing; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title*.—This Act may be called the Maharashtra (Vidarbha Region) Agricultural Debtors Relief (Amendment) Act, 1969. (Mah. XXII of 1969).

2. *Amendment of section 18 of Mah. XXII of 1969*.—In section 18 of the principal Act, in sub-section (2),—

(a) for the figure and the words "9 per cent," the figure and words "6 per cent." shall be substituted; and

(b) after the words "on the date aforesaid" appearing at the end the following shall be added, namely:—

"except when the balance appearing due on the interest account exceeds that appearing due on the principal account, in which case, double the latter balance shall be deemed to be the amount then due".

3. *Insertion of new section 21A in Mah. XXII of 1969*.—After section 21 of the principal Act, the following new section shall be inserted, namely:—

"21A. *Court's duty to determine particulars, value, etc., of property*.—After taking accounts under section 18, the Court shall in the manner hereinafter provided determine—

- (1) the particulars of the property belonging to the debtor,
- (2) the value of the said property,
- (3) the particulars of any incumbrances on the said property, and
- (4) the paying capacity of the debtor".

4. *Insertion of new sections 22A, 22B and 22C in Mah. XXII of 1969*.—After section 22 of the Principal Act, the following new sections shall be inserted, namely:—

"22A. *Value of property of debtor to be determined by the Court in prescribed manner*.—(1) Subject to the provisions of sub-sections (2) and (3), the value of the property and other assets of a debtor for the purposes of ascertaining his paying capacity under section 21A shall be determined by the Court in the prescribed manner.

(2) The property or assets which are exempt from attachment in execution of a decree of a civil court under the Code of Civil Procedure 1908, (V of 1908) shall not be taken into account.

(3) The market value of the lands, which under any law for the time being in force, are not transferable or alienable except with the previous sanction of the Collector or the State Government, shall be calculated in such manner as may be prescribed.

22B. *Paying capacity of debtor*.—The paying capacity of a debtor shall, for the purposes of this Act, be deemed to be 60 per cent of the market value of all the property of the debtor:

Provided that, when any portion of such property yields income, but the market value of such portion cannot be determined, the value of such portion shall be the amount of the income capitalized at 6 per cent per annum.

22C. Debts payable by debtor to be further scaled down.—(1) Notwithstanding any decree of a civil court referred to in sub-section (1) of section 3 of the Madhya Pradesh Act, the amounts found due under section 18 from a debtor shall be further scaled down in the manner hereinafter provided

(2) If all the debts found due by a debtor after taking accounts under section 18 are unsecured debts, and the total amount of such debts is more than 60 per cent, of the value of the property belonging to the debtor, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(3) If all the debts found due by a debtor after taking accounts under section 18 are secured debts, and the total amount of such debts is more than 60 per cent, of the value of the property belonging to the debtor, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(4) If the debts found due by a debtor after taking accounts under section 18 are both secured and unsecured, and if the total amount of the secured debts is more than 60 per cent of the value of the property on which such debts are secured, the secured debts shall be further scaled down *pro rata* to 60 per cent of the value of the property on which such debts are secured, and the unsecured debts shall be further scaled down *pro rata* to 60 per cent of the value of the other property belonging to the debtor over which no debts are secured."

5. Amendment of section 23 of Mah. XXII of 1969.—In section 23 of the principal Act, in sub-section (2),—

(a) in clause (i) after the words "secured debts" the words "scaled down" shall be inserted ;

(b) clause (ii) shall be deleted.

6. Amendment of section 24 of Mah. XXII of 1969 —In section 24 of the principal Act, after the words and figures "under section 18" the words figures and letter "or further scaled down under section 22C" shall be inserted.

The Bombay Provincial Municipal Corporations (Second Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the President on the 28th January, 1970, was published in the *Maharashtra Govt. Gazette*, Ext., Part IV, No. 8, dated February 5, 1970/Magha 16, 1891.

Maharashtra Act No. VIII of 1970

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949.

Whereas, it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom LIX of 1949), for the purposes hereinafter appearing ; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Bombay Provincial Municipal Corporations (Second Amendment) Act, 1969.

(2) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Chapter VIII-A in Bom. LIX of 1949 —After Chapter VIII of the Bombay Provincial Municipal Corporations Act,

1949 (Bom. LIX of 1949), the following Chapter shall be, inserted, namely :—

"CHAPTER VIII-A

Power to evict Persons from Corporation Premises.

81-A. *Definitions.*—In this Chapter—

(a) "Commissioner", in the event of any Corporation having established or acquired, or establishing or acquiring, a Transport Undertaking in relation to the premises of the Corporation which vest in or are held by it for the purposes of the Transport Undertaking, means the Transport Manager ;

(b) "Corporation premises" means any premises belonging to, or vesting in, or taken on lease by, the Corporation ;

(c) "regulations" means regulations made by the Commissioner under section 81-I ;

(d) "unauthorised occupation" in relation to any Corporation premises, means the occupation by any person of Corporation premises without authority for such occupation ; and includes the continuance in occupation by any person of the premises after the authority under which he was allowed to occupy the premises has expired, or has been duly determined.

81-B *Power to evict persons from Corporation premises.*—(1) Where the Commissioner is satisfied—

(a) that the person authorised to occupy any Corporation premises has, whether before or after, the commencement of the Bombay Provincial Municipal Corporations (Second Amendment) Act 1969 (Mah. VIII of 1970),—

(i) not paid for a period of more than two months, the rent or taxes lawfully due from him in respect of such premises ; or

(ii) sub-let, contrary to the terms and conditions of his occupation, the whole or any part of such premises ; or

(iii) committed, or is committing, such acts of waste as are likely to diminish materially the value or impair substantially the utility, of the premises ; or

(iv) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises ;

(b) that any person is in unauthorised occupation of any Corporation premises ;

(c) that any Corporation premises in the occupation of any person are required by the Corporation in the public interest, the Commissioner may, by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be provided for by regulations, order that that person, as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1) is made against any person, the Commissioner shall issue, in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

The notice shall, —

(a) specify the grounds on which the order of eviction is proposed to be made and

(b) require all persons concerned, that is to say, all persons who are

or may be in occupation of, or claim interest in, the Corporation premises, to show cause against the proposed order, on or before such date as is specified in the notice.

If such person makes an application to the Commissioner for the extension of the period specified in the notice, the Commissioner may grant the same on such terms as to payment and recovery of the amount claimed in the notice, as he deems fit.

Any written statement put in by any person and documents produced, in pursuance of the notice, shall be filed with the record of the case, and such person shall be entitled to appear before the Commissioner by advocate, attorney or other legal practitioner.

The notice to be served under this sub-section shall be served in the manner provided for the service of a notice under sub-section (1); and thereupon, the notice shall be deemed to have been duly given to all persons concerned.

(3) If any person refuses or fails to comply with an order made under sub-section (1), the Commissioner may evict that person and any other person who obstructs him and take possession of the premises; and may for that purpose use such force as may be necessary.

(4) The Commissioner may, after giving fourteen clear days' notice to the person from whom possession of the Corporation premises has been taken under sub-section (3) and after publishing such notice in the Official Gazette and in at least one newspaper circulating in the locality, remove or cause to be removed, or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for the service of a notice under sub-section (1).

(5) Where the property is sold under sub-section (4), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same:

Provided that, where the Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a Civil Court of competent jurisdiction, and the decision of the Court thereon shall be final.

(6) If a person who has been ordered to vacate any premises under sub-clause (i) or (iv) of clause (a) of sub-section (1), within one month of the date of service of the notice, or such longer time as the Commissioner may allow, pays to the Commissioner the rent and taxes in arrears, or as the case may be, carries out or otherwise complies with the terms contravened by him to the satisfaction of the Commissioner, the Commissioner shall on such terms, if any (including the payment of any sum by way of damages or compensation for the contravention aforesaid), in lieu of evicting such person under sub-section (3), cancel his order made under sub-section (1); and thereupon such person shall continue to hold the premises on the same terms on which he held them immediately before such notice was served on him.

81-C. *Power to recover rent or damages as arrears of property tax.*—

(1) Subject to any regulations made by the Commissioner in this behalf, but without prejudice to the provisions of section 81-B, where any person is in arrears of rent payable in respect of any Corporation premises, the Commissioner may, by notice served in the manner provided for service of notice under sub-section (1) of section 81-B, order that person to pay the same within such time not less than ten days as may be specified in the notice.

(2) Where any person is in unauthorised occupation of any Corporation premises, the Commissioner may, in the manner and having regard to the principles of assessment of damages provided for by the regulations assess such damages on account of the use and occupation of the premises as he may deem fit, and may, by notice served in the manner referred to in sub-section (1), order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay, within the time specified in the notice, the arrears of rent under sub-section (1), or damages under sub-section (2), the Commissioner may recover the amount of rent, or as the case may be, of damages, in the same manner as the general or property tax due from such person.

(4) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling upon him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Commissioner.

81-D. *Rent to be recovered by deduction from salary or wages in case of Corporation employees.*—Without prejudice to the provisions of section 81-B, in the case of any person who is an employee of the Corporation and who has been allotted any Corporation premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in this behalf by the Commissioner to the Head of the Corporation Department or Officer under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Department or Officer, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the Commissioner in satisfaction of the rent due by him.

81-E. *Commissioner to have powers of Civil Court.*—The Commissioner shall, for the purpose of holding any inquiry under this Chapter, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), when trying a suit, in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) any other matter which may be prescribed by regulations made under section 81-I.

81-F. *Appeals.*—(1) An appeal shall lie from every order of the Commissioner, made in respect of any Corporation premises, under section 81-B or section 81-C, to an appellate officer, who shall be the District Judge or such other judicial officer in the City of not less than ten years' standing, as the District Judge may designate in this behalf.

(2) An appeal under sub-section (1) shall be preferred,—

(a) in the case of an appeal from an order under section 81-B, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section, and

(b) in the case of an appeal from an order under section 81-C, within thirty days from the date of the service of the notice relating to the order under sub-section (1) or (2) of that section, as the case may be ;

Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

81-G. *Finality of orders.*—Save as otherwise expressly provided in this Chapter every order made by the Commissioner or the appellate officer under this Chapter shall be final, and shall not be called in question in any original suit, application or execution proceeding.

81-H. *Bar of jurisdiction.*—Subject to the provisions of this Chapter, no Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person from any Corporation premises on any of the grounds specified in section 81-B or the recovery of the arrears of rent or the damages payable for use or occupation of such premises.

81-I. *Power to make regulations.*—The Commissioner, with the approval of the Standing Committee, and the Transport Manager, with the approval of the Transport Committee, as the case may be, may make regulations for all or any of the following matters, namely:—

(a) the forms of notices under sections 81-B and 81-C and for prescribing the other manner in which they may be served under those sections;

(b) the holding of inquiries under this Chapter;

(c) the procedure to be followed in taking possession of any Corporation premises under section 81-B;

(d) the manner in which the damages under section 81-C may be assessed and the principles which may be taken into account in assessing such damages;

(e) the manner in which appeals may be preferred under section 81-F and the procedure to be followed in such appeals;

(f) any other matter which has to be, or may be, prescribed under this Chapter by regulations.

81-J. *Penalty for obstructing lawful exercise of power under this Chapter.*—Any person, who obstructs the lawful exercise of any power conferred by or under this Chapter, shall, on conviction, be punished with fine which may extend to one thousand rupees."

The Maharashtra Preventive Detention Act, 1970

The following Act of the Maharashtra Legislature, having been assented to by the President on the 11th April 1970 was published in the *Maharashtra Government Gazette* Part IV, No. 21, dated April 11, 1970/Chaitra 21, 1892.

Maharashtra Act No. XVIII OF 1970

An Act to provide for preventive detention in certain cases and for matters connected therewith.

Whereas, it is expedient to provide for preventive detention in certain case in the State of Maharashtra and for matters connected therewith; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title, extent, commencement and duration.*—(1) This Act may be called the Maharashtra Preventive Detention Act, 1970.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 31st day of December 1969.

(4) This Act shall remain in force upto and inclusive of the 31st day of December 1974 and shall then expire.

(5) Upon the expiry of this Act, section 7 of the Bombay General Clauses Act, 1904, (Bom. I of 1904), shall apply as if this Act had then been repealed by a Maharashtra Act.

2. *Definition.*—In this Act, unless the context otherwise requires, "detention order" means an order made under section 3.

3. *Power to make orders detaining certain persons.*—(1) The State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—

(i) the security of the State or the maintenance of public order, or
(ii) the maintenance of supplies and services essential to the life of the community,

it is necessary so to do, make an order directing that such person be detained.

(2) Any of the following officers, namely:—

(a) District Magistrates,

(b) Additional District Magistrates specially empowered in this behalf by the State Government,

(c) Commissioners of Police,

may, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless in the meantime it has been approved by the State Government.

4. *Execution of detention orders.*—A detention order may be executed at any place in the State in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898 (V of 1898).

5. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the State Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, within the State, by order of the State Government.

6. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder though within the State is outside the limits of the territorial jurisdiction of the officer making the order, or

(b) that the place of detention of such person though within the State is outside the said limits.

7. *Powers in relation to absconding persons.*—(1) If the State Government or an officer mentioned in sub-section (2) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself, so

that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, (V of 1898), shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (V of 1898) every offence under clause (b) of sub-section (1) shall be cognizable.

8. *Grounds of order of detention to be disclosed to persons affected by the order.*—(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. *Constitution of Advisory Boards.*—(1) The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as Judges of a High Court, and such persons shall be appointed by the State Government.

(3) The State Government shall appoint one of the members of the Advisory Board who is or has been a Judge of a High Court to be its Chairman.

10. *Reference to Advisory Boards.*—In every case where a detention order has been made under this Act, the State Government shall, within thirty days from the date of detention under the order, place before the Advisory Board constituted by it under section 9 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in the case where the order, has been made by an officer, also the report by such officer under sub-section (3) of section 3

11. *Procedure of Advisory Boards.*—(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the State Government or from any person called for the purpose through the State Government or from the person concerned and if in any particular case it considers it essential so to do, or if the person concerned desires to be heard, after hearing him in person, submit its report to the State Government within ten weeks from the date of detention.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not

there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

12 *Action upon the report of Advisory Board.*—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the State Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the State Government shall revoke the detention order and cause the person to be released forthwith.

13. *Maximum period of detention.*—The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12 shall be twelve months from the date of detention.

14. *Revocation of detention orders.*—(1) Without prejudice to the provisions of section 21 of the Bombay General Clauses Act, 1904. (Bom. I of 1904) a detention order may at any time be revoked or modified by the State Government, notwithstanding that the order has been made by an officer mentioned in sub-section (2) of section 3.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the State Government or an officer, as the case may be, is satisfied that such an order should be made.

15. *Temporary release of persons detained.*—(1) The State Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the State Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

16. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any

person for anything in good faith done or intended to be done in pursuance of this Act.

17. *Repeal and saving.*—(1) The Maharashtra Preventive Detention Ordinance, 1969 (Mah. Ord. XVI of 1969) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any detention order made or deemed to have been made or any appointment made, notification issued or direction given or any other order made) by or under the said Ordinance, shall be deemed to have been done, taken, made, issued or given, as the case may be, according to its tenor under the corresponding provision of this Act.

Explanation.—In respect of any person detained before the commencement of the Ordinance, now repealed, and continued in detention thereunder, his detention shall not continue beyond the maximum period described in sub-section (1) of section 11A of the Preventive Detention Act, 1950 (IV of 1950).

The Bombay Aerial Ropeways Extension and Amendment Act 1969

The following Act of the Maharashtra Legislature, having been assented to by the President on the 16th February 1970, was published in the *Maharashtra Government Gazette*, Part IV, No. 11 dated March 5, 1970 Phalguna 14, 1891.

Maharashtra Act No. X of 1970

An Act to extend the Bombay Aerial Ropeways Act, 1955, through out the State of Maharashtra and for that purpose to amend that Act.

Whereas, it is expedient to extend the Bombay Aerial Ropeways Act, 1955, (Bom. III of 1955) throughout the State of Maharashtra and for that and certain other purpose to amend that Act; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Bombay Aerial Ropeway (Extension and Amendment) Act, 1969.

2. *Extension of Bom. III of 1955 to the rest of the State of Maharashtra.*—The Bombay Aerial Ropeways Act, 1955 (Bom. III of 1955) as in force immediately before the commencement of this Act in the Bombay area of the State of Maharashtra, is hereby extended to the rest of the State of Maharashtra.

3. *Amendment of long title, and preamble to Bom. III of 1955.*—In the long title and preamble to the Bombay Aerial Ropeways Act, 1955, (Bom. III of 1955) as extended to the whole of the State (hereinafter referred to as "the principal Act"), for the words "State of Bombay" the words "State of Maharashtra" shall be substituted.

4. *Amendment of section 1 of Bom. III of 1955.*—In section 1 of the principal Act,—

(a) for sub-section (2), the following shall be substituted, namely :—

"(2) It extends to the whole of the State of Maharashtra";

(b) in sub-section (3),

(i) after the words "come into force" the words "in the Bombay area of the State of Maharashtra" shall be inserted ;

(ii) for the word "appoint," the following shall be substituted, namely :—

"appoint; and that part of the State of Maharashtra to which it is extended by the Bombay Aerial Ropeways (Extension and Amendment) Act, 1969, (Mah. X of 1970) it shall come into force on such other days as the State Government may, by like notification published in the like manner, appoint." ;

(c) after sub-section (3), the following shall be added, namely :—

"(4) On the Commencement of this Act in the manner provided in sub-section (3) in any area to which this Act is extended by the Bombay Aerial Ropeways (Extension and Amendment) Act, 1969, (Mah. X of 1970) all rules made under this Act and in force in the Bombay area of the State of Maharashtra immediately before such commencement shall also extend to and be in force in that area".

5. *Amendment of section 45 of Bom. III of 1966.*—In section 45 of the principal Act, after sub-section (3), the following new sub-section be added, namely:—

"(4) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule."

The Bombay Rents Hotel and Lodging House Rates Control (Extension of Duration) Act, 1969.

The following Act of the Maharashtra Legislature received the assent of the President on the 25th February 1970, and was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 15 dated March 4, 1970/Phalguna 13, 1891.

Maharashtra Act No. XII of 1970.

An Act to extend the duration of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Whereas it is expedient to extend the duration of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom LVII of 1947); It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1 *Short title*—This Act may be called **Bombay Rents, Hotel and Lodging House Rates Control (Extension) of Duration Act, 1969.**

2. *Amendment of section 3 of Bom. LVII of 1947.*—In section 3 of the Bombay Rents Hotel and Lodging House Rates Control Act, 1947, (Bom. LVII of 1947) in sub-section (2), for the figures "1970" the figures "1973" shall be substituted.

The Prevention of Food Adulteration (Maharashtra Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the President on the 7th March 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 16, dated March 12, 1970/Phalguna 21, 1891.

Maharashtra Act No XIII of 1970.

An Act further to amend the Prevention of Food Adulteration Act, 1954, in its application to the State of Maharashtra.

Whereas, it is expedient further to amend the Prevention of Food Adulteration Act, 1954 (37 of 1954) in its application to the State of Maharashtra, for the purpose hereinafter appearing; It is hereby enacted in the Twentieth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the

Prevention of Food Adulteration (Maharashtra Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. *Amendment of section 2 of Act 37 of 1954.*—In section 2 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) in its application to the State of Maharashtra, to clause (vi) the following proviso shall be added, namely:—

“Provided that, the Commissioner of Food and Drugs Administration, Maharashtra State, appointed as such by the State Government shall, on the commencement of the Prevention of Food Adulteration (Maharashtra Amendment) Act, 1969, (Mah XIII of 1970) be the Food (Health) Authority in the State of Maharashtra.”

3. *Saving*—Any thing done or any action taken before the commencement of this Act by the Chief Officer in charge of Health administration in the State shall so long as it is not inconsistent with any of the provisions of the Prevention of Food Adulteration Act, 1954, (37 of 1954) or any rules made thereunder, be as valid and effectual as if it had been done or taken by the Commissioner of Food and Drugs Administration, Maharashtra State, after the Commencement of this Act.

The Maharashtra (Supplementary) Appropriation Act, 1970

The following Act of Maharashtra Legislature, having been assented to the Governor on the 28th March, 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 17, dated March 28th, 1970/Chaitra 7, 1892.

Maharashtra Act No. XIV of 1970.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the state for the services of the year ending on the thirty-first day of March 1970.

(Remaining text omitted.)

Editor)

The Maharashtra Agricultural Produce Market Committees (Extension of Term of Office of Members) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 8th April 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV No. 20, dated April 9, 1970/Chaitra 19, 1892.

Maharashtra Act No. XVII of 1970.

An Act to extend the term of office of members of Market Committees functioning under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.

Whereas, it is expedient to extend the term of office of members of Market Committees functioning under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), immediately before the 10th day of February 1970 for a further period not exceeding one year; It is hereby enacted in the Twenty-first Year of the Republic of India, as follows:—

1. *Short title.*—This Act may be called the Maharashtra Agricultural Produce Market Committees (Extension of Term of Office of Members) Act, 1970.

Notes

Object :—For the Statement of Objects and Reasons see the *Maharashtra Government Gazette Ext.*, Part V, dated March 12, 1970, page 66.

2. *Extension of term of office of members of Market Committees functioning before 10th February 1970 for a period not exceeding one year.*—The term of office of the members of each of the Market Committees functioning in the State under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), immediately before the 10th day of February 1970 shall stand extended for a further period not exceeding one year, from the date of expiry of the term of office of such members unless new market committees are constituted earlier before the expiry of such further period.

3. *Application of Mah XX of 1964.*—Except as otherwise provided by this Act, the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), shall in all other respects apply to the Market Committees functioning as aforesaid.

4. *Repeal of Mah Ord I of 1970.*—The Maharashtra Agricultural Produce Market Committees (Extension of Term of Office of Members) Ordinance, 1970 (Mah. Ord. I of 1970), is hereby repealed.

The Bombay Building Repairs and Reconstruction Board (Amendment) Act, 1970

The following Act of the Maharashtra Legislature, having been assented to by the President on the 11th April 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 22, dated April, 11, 1970/Chaitra 21, 1892.

Maharashtra Act No. XIX of 1970

An Act to amend the Bombay Building Repairs and Reconstruction Board Act, 1969.

Whereas, it is expedient to amend the Bombay Building Repairs and Reconstruction Board Act, 1969 (Mah XLVII of 1969) for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay Building Repairs and Reconstruction Board (Amendment) Act, 1970.**

(2) It shall be deemed to have come into force on the 27th day of February 1970.

Notes

Object:—For the Statement of Objects and Reasons see the *Maharashtra Government Gazette*, Part V, dated March 12, 1970, page 69.

2. *Amendment of section 38 of Mah. XLVII of 1969*—In section 38 of the Bombay Building Repairs and Reconstruction Board Act, 1969 (Mah. XLVII of 1969) (hereinafter referred to as "the principal Act"), in sub-section (4),—

(a) before the words "the Commissioner has" the brackets and letter "(a)" shall be inserted;

(b) after the words "before the date aforesaid," the following shall be inserted, namely:—

"or (b) the Commissioner issues under the said section 354 of that Act a written notice within nine months from the date on which the provisions of this Act are brought into force in the area in which such building is situated, requiring the owner or occupier thereof to pull down the building, with a view to preventing all cause of danger therefrom, and such notice is not complied with (except for purposes beyond his control) before the date specified in such notice,"

3. *Insertion of section 39A in Mah. XLVII of 1969.*—After section

39 of the principal Act, the following new section shall be inserted, namely :—

“39A. *Temporary and alternative accommodation to affected occupiers.*—(1) Where the Board requires the occupiers of any building to vacate their premises to enable it to construct a new building on the land acquired under this Chapter, the Board shall allot temporary accommodation to such occupiers in any building maintained by it for such purpose, at such places and to such extent as it deems fit. The accommodation need not be in the same locality or of the same floor area as the premises vacated by the occupiers. If any occupier fails to accept and occupy the accommodation allotted to him, within one month from the date of allotment, the responsibility of the Board to provide him with any temporary accommodation shall cease.

(2) Every occupier shall, with effect from the date on which the land vests in the State Government, pay the rent for his premises to the Board at the same rate at which he was paying it (including the permitted increases, if any) to the owner, until he vacates the premises. Where the temporary accommodation allotted to any occupier is accepted by him, he shall pay to the Board rent for such accommodation at such rate as the Board may fix in this behalf.

(3) Subject to the above provisions, every occupier whether he accepts temporary accommodation or not shall have a right to get such alternative accommodation in the new building or in such other building maintained by the Board, and on payment of such rent and subject to such other terms and conditions, as the Board may determine. If any occupier fails to accept and occupy the alternative accommodation allotted to him within one month from the date of allotment, the responsibility of the Board to provide him with any alternative accommodation shall also cease.”.

4. *Repeal of Mah. Ord. II of 1970 and saving.*—(1) The Bombay Building Repairs and Reconstruction Board (Amendment) Ordinance, 1970, (Mah. Ord II of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

The Maharashtra Land Revenue Code (Temporary Amendment) Act, 1970

The following Act of the Maharashtra Legislature having been assented to by the President on the 11th April, 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No 23, dated April 11, 1970/Chaitra 21, 1892

Maharashtra Act No. XX of 1970.

An Act further to amend the Maharashtra Land Revenue Code, 1966.

Whereas, it has been reported to the State Government that there is a very large number of squatters on Government land especially in Greater Bombay, who have erected and are occupying unauthorised structures, and their number is increasing rapidly;

And whereas, proceedings under section 53 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) have been taken for summary eviction of persons unauthorisedly occupying land vesting in Government followed by forfeiture of the structures under section 54 of the said Code;

And whereas, as a temporary measure in some cases these hutment-dwellers have been allowed by Government to remain in the forfeited structures on payment of a licence fee therefor;

And whereas, these unauthorised structures do not and cannot contain even the minimum amenities necessary for safety and sanitation, and some of them are also pockets of anti-social activities endangering the public peace;

And whereas, it is necessary that such structures and occupation should not be continued or permitted any longer, and Government should get back vacant possession of its lands immediately for use for proper purposes after terminating the licences if any;

And whereas, there is however, considerable effective opposition and obstruction to demolition and removal of the unauthorised structures and eviction of the large number of persons occupying Government land, because the procedure under the Land Revenue Code and other existing laws is found dilatory and not sufficiently deterrent to deal with this major problem;

And whereas, it is, therefore, expedient to take special powers temporarily to enable Government to take intensive measures to deal with this problem effectively on an emergency basis;

And whereas, it is expedient further to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) for the purposes aforesaid; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title commencement and duration.*—(1) This Act may be called the Maharashtra Land Revenue Code (Temporary Amendment) Act, 1970.

(2) It shall be deemed to have come into force on the 27th day of February 1970 and shall remain in force for a period of three years and shall then expire; and on the expiry of this Act, section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall apply as if this Act had then been repealed by a Maharashtra Act.

Notes

Object :—The problem of unauthorised encroachments in the form of slums on open Government lands in the State particularly in Greater Bombay area, has assumed alarming proportions and has become a source of grave concern to the administration. These encroachments have led to disgraceful, unhygienic and insanitary conditions and have become a source of danger to the City and to law and order problem, some of them being dwelling places of anti-social elements. The magnitude of the problem can be assessed from the fact that in the 14 slums in Greater Bombay alone, which Government has decided to remove on priority basis, the number of hutments was of the order of 21,000. As these unauthorised hutments do not satisfy conditions of safety and sanitation and are also pockets of anti-social activities endangering the public peace and further as these sites are immediately required for proper purposes, Government was convinced that to meet the situation there was urgent need for taking additional powers temporarily for immediate and effective eviction of the hutment-dwellers and removal of the structures which was feasible by further amendment of the Maharashtra Land Revenue Code, 1966. The Act converts the Maharashtra Land Revenue Code (Temporary Amendment) Ordinance, 1970 (Mah. Ord. III of 1970) promulgated on 27th February 1970 into the Act. For the Statement of Objects and Reasons see the *Maharashtra Government Gazette* Part V, dated March 19, 1970, page 78.

2. *Insertion of new section 54A in Mah. XLI of 1966.*—During the period in which this Act is in force, the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) shall have effect, as if, after section 54, the following new section had been inserted, namely:—

“54A *Additional temporary powers for termination of licences, and removal of any building or other structure on any land or foreshore which is forfeited and of persons recntering or remaining on the land or foreshore after eviction.*—Where,—

(a) any person is evicted from any land or foreshore under section 53;
 (b) any building or other structure erected on any land or foreshore is forfeited under section 54;
 (c) any person who entered unauthorisedly on the land or foreshore, is allowed to stay thereafter on payment of a licence fee for the land, or structure thereon, or both,—
 then, without prejudice to any other proceedings which may be taken against any such person, or in respect of the structure given on licence as aforesaid,—

(1) the Collector or any officer of Government authorised by the Collector may, notwithstanding anything contained in any law, or in any contract or agreement, for the time being in force, at any time by order direct that the licence or permission (if any) granted to any such person shall be deemed to be terminated forthwith;

(2) the Collector may, by written notice, which shall not be of less duration than 24 hours, require any person for the time being in occupation of the forfeited structure. to show sufficient cause, on or before such day and hour as shall be specified in such notice, why the forfeited building or other structure shall not be pulled down or removed; and if such person fails to show cause, on or before the specified day and hour, to the satisfaction of the Collector, the Collector may pull down or remove the building or other structure, as the case may be; and

(3) no person (including the person evicted) shall, without the previous permission of the Collector, enter on, or be on or in, or pass over, any such land or foreshore; and if any person enters on or remains on or in or passes over the land or foreshore in contravention of this section, he may be removed therefrom by the Collector or officer authorised, and the Collector or officer authorised may take all such assistance as is necessary for the purpose”.

3. *Repeal of Mah. Ord. III of 1970 and Saving.*—(1) The Maharashtra Land Revenue Code (Temporary Ammendment) Ordinance, 1970 (Ord. III of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Maharashtra Land Revenue Code, 1966, (Mah. XLI of 1966), as amended by the said Ordinance, shall be deemed to have been done or raken under the said Code, as amended by this Act.

The Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Extension of Duration and Amendment) Act, 1969.

The following Act of the Maharashtra Legislature, having been assented to by the President on the 19th Februaty 1970, was published in the *Maharashtra Government Gazette*, Ext. Part IV, No. 12, dated February 26, 1970/Phalguna 7, 1891.

Maharashtra Act No. XI of 1970.

An Act further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

Whereas, it is expedient to extend the duration of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, (Mah. XLV of 1963) and further to amend, for the purpose hereinafter appearing, the said Act; It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. *Short title*.—This Act may be called the **Maharashtra Ownership Flats (Regulation of the promotion of construction, sale management and transfer) (Extension of Duration and Amendment) Act, 1969.**

2. *Amendment of section 1 of Mah. XLV of 1963.*—In section 1 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963) hereinafter referred to as "the principal Act"), in sub-section (4) for the figures "1970" the figures "1973" shall be substituted

3. *Amendment of section 7 of Mah. XLV of 1963*—In section 7 of the principal Act, in sub-section (2), after the words "Where there is a dispute as regards any defect in the building or material used, or any unauthorised change in the construction," the words "or as to whether it is reasonably possible for the promoter to rectify any such defect or change or as regards the amount of reasonable compensation payable in respect of any such defect or change which cannot be, or is not, rectified by the promoter," shall be deemed always to have been inserted.

**The Suits Valuation and Bombay Court—Fees (Amendment)
and Bombay City Civil Court Decrees and Orders (Validating)
(Amendment) Act, 1970.**

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 9th May 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 27, dated May 12, 1970/Vaisakha 22, 1892.

Maharashtra Act No. XXIV 1970.

An Act to amend the Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act 1969.

Whereas, it is expedient to amend the Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act, 1969 (Mah. IX of 1970) for the purpose hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Amendment Act, 1970.

2. *Amendment of section 6 of Mah. IX of 1970.*—In the Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act, 1969, (Mah. IX of 1970) in section 6, in sub-section (2), in clause (c), after the words "made by the City Court" the following shall be added, and shall be deemed always to have been added namely:—

"In any suit or proceedings so transferred, institution fees shall be paid credit being given to any court-fee levied in the High Court and cost incurred in the High Court till the date of transfer shall be assessed by the City Court in the same manner in which such fees and cost are assessed by it under sub-section (3) of section 4A of the Bombay City Civil Court Act, 1948, (Bom. XL of 1948) and the rules made thereunder, in

respect of suits or proceedings transferred to it under sub-section (1) of that section.”.

The Code of Civil Procedure (Maharashtra Amendment) Act, 1970

The following Act of the Maharashtra Legislature, having been assented to by the President on the 4th May 1970, was published in the *Maharashtra Govt. Gazette*, Ext., Part IV, No. 28, dated May 12, 1970/Vaisakha 22, 1892

Maharashtra Act No XXV of 1970.

An Act further to amend the Code of Civil Procedure, 1908, in its application to the State of Maharashtra.

Whereas, it is expedient further to amend the Code of Civil Procedure, 1908, (V of 1908) in its application to the State of Maharashtra, for the purpose hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—1. This Act may be called the Code of Civil Procedure (Maharashtra Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint

2. *Insertion of new section 9-A in Act V of 1908*—After section 9 of the Code of Civil Procedure, 1908, (V of 1908) in its application to the State of Maharashtra, the following section shall be inserted namely:—

“9A. *Where by an application for interim relief is sought or is sought to be set aside in any suit and objection to jurisdiction is taken, such issue to be decided by the Court as preliminary issue at hearing of the application.*—(1) If, at the hearing of any application for granting or setting aside an order granting any interim relief, whether by way of injunction, appointment of a receiver or otherwise, made in any suit, an objection for the jurisdiction of the Court to entertain such suit is taken by any of the parties to the suit, the Court shall proceed to determine at the hearing of such application the issue as to the jurisdiction as a preliminary issue before granting or setting aside the order granting the interim relief. Any such application shall be heard and disposed of by the Court as expeditiously as possible and shall not in any case be adjourned to the hearing of the suit.

(2) Notwithstanding anything contained in sub-section (1), at the hearing of any such application, the Court may grant such interim relief as it may consider necessary, pending determination by it of the preliminary issue as to the jurisdiction.”.

The Maharashtra Agricultural Land (Ceiling on Holdings) (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the President on the 16th May 1970 was published in the *Maharashtra Govt. Gazette*, Ext., Part IV, No.30, dated May 19, 1970/Vaisakha 29, 1892.

Maharashtra Act No. XXVII of 1970.

An Act further to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

Whereas, section 28 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, (Mah. XXVII of 1961) inter alia provides that the State Government shall take particular care to ensure that the

acquisition of land held by an industrial undertaking (being land which was being used for the purpose of producing or providing raw material for the manufacture or production of any goods articles or commodities by the undertaking) does not affect adversely the production and supply of raw material from such land to the undertaking and that for the purpose of so ensuring the continuance of supply of such raw material to the undertaking, and generally for the full and efficient use of the land for agriculture and its efficient management, the State Government may maintain the integrity of the area so acquired in one or more compact blocks, and may grant the land, or any part thereof, to a joint farming society (or a member thereof) consisting of persons referred to in clause (b) of sub-section (2) of that section;

And Whereas, that section inter alia further provides that for such period as is necessary for the setting up of joint farming societies as provided in sub-section (2) of that section (being not more than five years in the aggregate from the date of taking possession of the land), the land acquired or any part thereof should be cultivated by one or more farms run or managed by the State, or by one or more corporations (including a company) owned or controlled by the State;

And Whereas, the State Government have accordingly constituted the Maharashtra State Farming Corporation Limited (a company formed and registered under the provisions of the Companies Act 1956, (1 of 1956) for managing the farms till the setting up of the joint farming societies aforesaid;

And Whereas, efforts so far made in the setting up of such societies including the efforts made for the setting up of such societies under the Maharashtra Agricultural Land (Ceiling on Holdings) Setting up of Joint Farming Societies Scheme, 1968, made under section 28-1A of the said Act have not borne fruit, and the periods for the setting up of such societies are due to expire between the months of May and October, 1970;

And Whereas, in the light to experience mentioned aforesaid, it is not possible to say that any such joint farming societies can be set-up at all;

And Whereas, short extensions of time for the setting up of such joint farming societies is hampering the full and efficient use of the land for agriculture and its efficient management for the reason that the Maharashtra State Farming Corporation is thereby prevented from undertakings any plans or schemes for the improvement of the land and it is finding it difficult to carry out the objects of clause (b) of sub-section (2) of section 28,

And Whereas most of the undertakings have also represented to the State Government that cultivation of the land may be continued with the Maharashtra State Farming Corporation on a permanent basis for the reason that implementation of the Joint Farming Societies Scheme aforesaid will lead to fragmentation of land, and that since the economic development of land part is of agrarian reform, the continuation of the management of the lands by the said Corporation will subserve the purpose of agrarian reform in consonance with, the objects of the said Act;

And Whereas, the State Government after carefully considering the question, in particular, in the light of what has been set out hereinabove, is also of opinion that the cultivation of the land should be continued with the Maharashtra State Farming Corporation on a permanent basis;

And Whereas, it is necessary to amend the said Act for the purposes aforesaid, and also for certain other purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of long title to Mah. XXVII of 1961.*—In the long title to the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961) (hereinafter referred to as "the principal Act"), after the words "*excess of such ceiling*;" the words "to provide that the lands taken over from undertakings and the integrity of which is maintained in compact blocks for ensuring the full and efficient use of the land for agriculture and its efficient management through corporations (including a company) owned or controlled by the State be granted to such corporations or company;" shall be inserted.

3. *Amendment of preamble of Mah. XXVII of 1961.*—In the preamble of the principal Act, after the words "and other persons;" the words "also to provide that the lands taken over from undertakings and the integrity of which is maintained in compact blocks for ensuring the full and efficient use of the land for agriculture and its efficient management through corporations (including a company) owned or controlled by the State, be granted to such corporations or company;" shall be inserted.

4. *Amendment of section 21 of Mah. XXVII of 1961.*—In section 21 of the principal Act, after sub-section (4), the following shall be added, namely:—

"(5) Where possession of any land delimited as surplus is handed over by the holder in pursuance of an undertaking given by him in any court, and the appeal filed by the holder against the declaration of that land as surplus has been subsequently withdrawn or dismissed, the land, notwithstanding anything contained in sub-section (4), shall with effect from the date on which the possession thereof is taken by the Collector, be deemed to be duly acquired by the State Government for the purposes of the Act, and shall accordingly be deemed to have been validly and effectually vested without further assurance and free from all encumbrances in the State Government from the date of taking over possession thereof."

5. *Amendment of section 27 of Mah. XXVII of 1961.*—In section 27 of the principal Act, in sub-section (5),—

(a) after clause (i), the following shall be inserted, namely:—

"(i-a) a person who had leased his land to any undertaking referred to in section 28; provided that such person is a resident of the taluka in which the surplus land for distribution is situate, the net annual income of such person from all sources does not exceed four thousand rupees, and such person has not been granted any land under section 28-1AA;"

(b) existing clauses (i-a) and (i-b) shall be renumbered as clauses (i-b) and (i-c), respectively.

6. *Amendment of section 28 of Mah. XXVII of 1961.*—In section 28 of the principal Act,—

(1) in sub-section (2), clause (b) of the proviso shall be deleted;

(2) in sub-section (3), clause (b) shall be deleted.

7. *Deletion of section 28-1A of Mah. XXVII of 1961.*—Section 28-1A of the principal Act shall be deleted :

Provided that, such deletion shall not affect the period for setting up of joint farming societies provided in sub-section (1) of that section.

8. *Insertion of new section 28-1AA in Mah. XXVII of 1961.*—After section 28-1A of the principal Act so deleted, the following new section shall be inserted, namely :—

"28-1AA. Power of State Government to grant land to State corporations.—(1) The State Government may, by notification in the Official Gazette, not later than ninety days from the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1970, (Mah. XXVII of 1970) grant the surplus land taken over from the industrial undertakings and referred to in section 28 and which is being cultivated by one or more corporations (including a company) owned and controlled by the State to such corporation, or corporations, as the case may be, subject to such terms and conditions, including in particular, the condition of maintaining the integrity of the surplus land, in one or more compact blocks, and conditions which are calculated to ensure the full and continued supply of raw material to the undertaking at a fair price. On the grant of such surplus land to one or more corporations as aforesaid, the provisions of section 28 so far as they provide for setting up of joint farming societies shall not apply in relation to such surplus land.

(2) The State Government may provide that,—

(a) for the breach of any term or condition referred to in sub-section (1), or

(b) if it considers after such inquiry as it thinks fit, that the production and supply of raw material to the undertaking is not maintained at the level or in the manner which, with proper and efficient management it ought to be maintained, or

(c) for any other reason it is undesirable in the interest of the full and efficient cultivation of the land, that the corporation (including a company) should continue to cultivate the land.

the grant shall, after giving three months' notice of termination thereof, and after giving the corporation reasonable opportunity of showing cause be terminated, and the land resumed. Thereafter, the State Government may itself take steps by running or managing one or more farms for the proper cultivation of the land and maintenance of the production and supply of raw material to the undertaking at a fair price.

Explanation.—For the avoidance of doubt, it is hereby declared that a producer of raw material being the corporation (including a company) or the State Government referred to in this section shall be liable to supply raw material to the undertaking concerned only on that undertaking agreeing to accept such supply at the fair price."

(3) The State Government may, subject to the provisions of sub-sections (4) and (5), after ascertaining the views of persons interested in the land referred to in sub-section (1) (including the undertaking concerned), also grant a part of such land to a person who had previously leased his land to the undertaking, whose net annual income from all sources does not exceed four thousand rupees and who (not being a public trust) requires that land for personal cultivation subject to such terms and conditions as may be specified in this behalf; and thereupon, the provisions of section 29 except as provided otherwise, shall apply to such land as they apply in relation to land granted under section 27.

(4) The area and particulars of land to be granted under sub-section (3) shall be such as the State Government may, having due regard to the need to maintain the integrity of the farm in one or more compact blocks by order in writing specify. The area so specified shall be final and conclusive, and shall not be varied subsequently.

(5) The State Government shall in making the grant under sub-section (3), ensure that—

(a) the grant to such person does not affect adversely the production and supply of raw material to the undertaking at a fair price;

(b) the extent of land granted to such person, notwithstanding anything contained in any law providing for prevention of fragments, does not exceed 1.82 hectares, and where the land so leased to the undertaking is itself less than 1.82 hectares, does not exceed the area of land so leased, or

(c) where the family of any such person consists of more than five members, the extent of additional land to be granted to such person is determined on the basis of 36.4 acres for each member in excess of five, so however, that the total land so granted does not exceed the area of the land originally leased by such person to the undertaking or 3.64 hectares, whichever is less:

Provided that, if any member of the family holds any land separately, he shall not be regarded as a member of that family for purposes of clause (c);

(d) where such person is a public trust and the major portion of the income from the land is being appropriated for purposes of education or medical relief, the grant is made of land equal in extent to the land which was previously leased by him to the undertaking on condition that such person leases the land to the Corporation.

9. *Amendment of section 47 of Mah. XXVII of 1961.*—In section 47 of the principal Act, in sub-section (1), after clause (b), the following new clause shall be inserted, namely:—

“(bb) land held as Saranjam on the appointed day;”.

The Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 6th May, 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 26, dated May 11, 1970/V alsakha 21, 1892.

Maharashtra Act No. XXIII of 1970.

An Act further to amend the Bombay Legislature Members' Salaries and Allowances Act, 1956.

Whereas, it is expedient to provide for the payment of a salary and certain allowances to a member of the Council who is a leader of the Opposition, and for that purpose to amend the Bombay Legislature Members' Salaries and allowances Act, 1956 (Bom. XLIX of 1956); It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1970

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2 *Amendment of section 3A of Bom. XLIX of 1956.*—In section 3A of the Bombay Legislature Members' Salaries and Allowances Act, 1956 (Bom. XLIX of 1956); (hereinafter referred to as "the principal Act"),—

(a) in sub-section (4), for the words "on such scale as the State Government may by rules or orders determine" the words "on such scale as may be determined by rules or orders in that behalf" shall be substituted;

(b) for sub-section (7), the following shall be substituted, namely :—

"(7) Notwithstanding anything contained in this Act, the Leader of the Opposition shall not be entitled to any salary or consolidated allowance provided by section 3, or to any daily allowance provided by section 4, or to travelling allowance provided by section 5, or to residential accommodation provided by sub-section (1) of section 6 of this Act; but he shall be entitled—

(i) to daily allowance under section 4, for attending the session of the Assembly or Council, or the meeting of a Committee, as the case may be, at a place other than Bombay, or for each day of the period of residence at a place other than Bombay where any business connected with his duties as Chairman of a Committee is transacted;

(ii) to travelling allowance under section 5 for attending the session of the Assembly or Council or a meeting of a Committee at a place other than Bombay, or for the purpose of transacting any business connected with his duties as Chairman of the Committee, or attending to any other business connected with his duties as member at a place other than Bombay and for the return journey from such place to Bombay;

(iii) to any other facilities to which a member is entitled under sub-section (1) of section 6 of this Act."

(c) for *Explanation 1*, the following shall be substituted, namely :—

"*Explanation 1.*—In this Act 'Leader of the Opposition' means that member of the Assembly or Council who is for the time being the Leader in the Assembly, or as the case may be, in the Council, of the party in Opposition to the State Government having the greatest numerical strength in the Assembly, or as the case may be, the Council."

(d) after *Explanation 2*, the following *Explanation* shall be added, namely :—

"*Explanation 3.*—If any doubt arises as to who is or was at any material time the Leader in the Council of the said party, the question shall be decided for the purposes of this section by the Chairman, and his decision, certified in writing under his hand, shall be final and conclusive."

(e) in the marginal note, for the words "Leader of Opposition" the words "Leaders of Opposition" shall be substituted

3 *Amendment of section 5AB of Bom. XLIX of 1956.*—In section 5AB of the principal Act, in the marginal note for the words "Leader of Opposition" the words "Leaders of Opposition" shall be substituted.

The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 29th April 1970 was published in the *Maharashtra Government Gazette* Ext., Part IV, No. 25, dated April 29, 1970/Valsakha 9, 1892.

Maharashtra Act No. XXII OF 1970.

An Act further to amend the Maharashtra Zilla Parishads and Panchayat Samities Act, 1961,

Whereas, it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, (Mah. V of 1962), for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 78 of Mah. V of 1962.*—(1) In section 78 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, (Mah. V of 1962), (hereinafter referred to as "the principal Act"), in sub-section (1), for entries (c) and (d), the following entries shall be substituted, namely:—

"(c) Agriculture and Co-operatives Committee,

(d) Social Welfare Committee,"

(2) Notwithstanding anything contained in sub-section (1), the Agriculture Committee and the Co-operatives Committee in existence at the commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1970, (Mah. XXII of 1970), shall continue to hold office and operate until such time as the first Agriculture and Co-operative Committee is constituted and the first meeting thereof is held.

3. *Amendment of section 79 of Mah. V of 1962*—In section 79 of the principal Act,—

in sub-section (4), the words "The Social Welfare Officer of a Zilla Parishad shall be the Joint Secretary, ex-officio, of the Standing Committee." shall be deleted.

4. *Amendment of section 80 of Mah. V of 1962.*—In section 80 of the principal Act, in sub-section (1), for clause (a) the following clauses shall be substituted, namely:—

"(a) the Agriculture and Co-operative Committee shall consist of—

(i) nine Councillors (not being associate Councillors) elected by the Zilla Parishad from amongst its Councillors;

(ii) five associate Councillors, who shall have the right to vote; and

(iii) two persons co-opted by the Zilla Parishad, who shall be associate members;

(1-a) the Social Welfare Committee shall consist of—

(i) eight Councillors elected by the Zilla Parishad from amongst the elected Councillors, so however that of these,—

(a) five shall be reserved for Councillors belonging to the Scheduled Castes and Scheduled Tribes; and of these five at least two shall be reserved for the Scheduled Tribes;

(b) three shall be reserved for Councillors belonging to the socially and educationally backward classes;

Provided that, if there be no elected Councillor belonging to Scheduled Castes or Scheduled Tribes or if the number of such Councillors is insufficient to fill the seats reserved for them, then a sufficient number of persons belonging to those Castes and Tribes, as the case may be, shall be co-opted on the Committee by the Zilla Parishad; and the person or persons so co-opted shall have the right to vote;

Provided further that, any person so co-opted shall be subject to the provisions of this Act, continue to be on the Committee even although subsequent to the date of co-option, a person belonging to Scheduled Castes or Scheduled Tribes is elected as a Councillor, the elected Councillor shall be eligible for any of the reserved seats at a by-election.

(ii) two women Councillors elected by the Zilla Parishad from amongst the elected or co-opted women Councillors:

Provided that, if there be no woman available as a Councillor, or if a sufficient number of such Councillors are not available to fill the seats reserved for them, then one or two women, as the case may be, shall be co-opted by the Zilla Parishad on the Committee; and the person or persons so co-opted shall have the right to vote:

Provided further that, any person so co-opted shall, subject to the provisions to this Act, continue to be on the Committee even although subsequent to the date of co-option, a woman is elected or co-opted as a Councillor; the Councillor elected or co-opted shall be eligible for any of the reserved seats at a by-election;

(iii) the Social Welfare Officer of the Zilla Parishad shall be the Secretary, ex-officio, of the Committee.

Explanation.—For the purposes of this paragraph, a person who belongs to any of the Scheduled Castes or Scheduled Tribes as defined in clauses (29) and (30) of section 2, shall be eligible to be elected or co-opted to any of the seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be, on the Social Welfare Committee in any District; whether such person is or is not a resident in the locality in the State in relation to which the caste or tribe to which he belongs is deemed to be a Scheduled Caste or a Scheduled Tribe, as the case may be;”.

5. *Substitution of Section 83 of Mah. V of 1962.*—For section 83 of the principal Act, the following section shall be substituted, namely:—

“83. *Chairman of Subjects Committees*—(1) The Vice-President shall be the Chairman of such two Subjects Committees (other than the Social Welfare Committee and the Agriculture and Co-operatives Committee) as the Zilla Parishad may determine.

(2) The Councillors shall from amongst the elected Councillors (excluding the President and the Vice-President) elect a person belonging to Scheduled Castes or Scheduled Tribes to be Chairman of the Social Welfare Committee; but if amongst such elected Councillors there be only one person belonging to those Castes or Tribes, he shall be Chairman of the Committee:

Provided that, if amongst such elected Councillors there be no person belonging to those Castes or Tribes, one person belonging to those Castes or Tribes shall be co-opted by the Zilla Parishad to be Chairman of the said Committee; and the person so co-opted shall have the right to vote:

Provided further that, any person so co-opted shall, subject to the provisions of this Act, continue to be the Chairman, even although subsequent to the date of co-option, a person belonging to Scheduled Castes or Scheduled Tribes is elected as a Councillor; the elected Councillor shall be eligible to be Chairman in the event of a vacancy in that office.

Explanation.—For the purposes of this sub-section, a person who is eligible to be elected or co-opted to any of the seats reserved for Scheduled Castes or Scheduled Tribes on the Social Welfare Committee under the Explanation to clause (a) in sub-section (1) of section 80, shall also be eligible to be elected or co-opted as Chairman of the said Committee.

(c) The Councillors shall from amongst the elected Councillors (excluding the President, the Vice-President and the Chairman of the Social Welfare Committee) elect—

(a) any person to be Chairman of the Agriculture and Co-operatives Committee; and

(b) any other person to be Chairman of the remaining two Subjects Committees.”.

6. *Amendment of section 84 of Mah V of 1962*—In section 84 of the principal Act, in sub-section (1), for the words 'each of the three Chairmen' the words 'each of the four Chairmen' shall be substituted.

7. *Amendment of section 92 of Mah. V of 1962*.—In section 92 of the principal Act, in sub-section (1), the portion beginning with the words "but all subjects" and ending with the words "allotted to the Standing Committee" shall be deleted.

8. *Substitution of section 183 of Mah V of 1962*.—For section 183 of the principal Act, the following section shall be substituted, namely:—

"183 *Establishment grant*.—The State Government shall pay to to a Zilla Parishad every year by way of an establishment grant a sum equal to seventy five per cent of the average cost on account of the salaries and allowances in respect of—

(a) the posts which are rendered surplus to the requirements of the State Government from time to time consequent on the transfer of works and development schemes to the Zilla Parishad under section 100, and

(b) the posts which are sanctioned, with the approval of the State Government for the Zilla Parishad, from time to time, whether before or after the commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1970, (Mah. XXII of 1970) consequent on the transfer of such works and development schemes:

Provided that, in both cases, the posts must have been created and filled in by the Zilla Parishad.

Explanation.—For the purpose of this section—

(a) any such posts do not include posts expenditure in respect of which is debited to the provisions of such works and schemes;

(b) salaries and allowances include such other charges incurred by the Zilla Parishads in relation to any such posts as the State Government may, from time to time, determine."

9. *Amendment of section 242 of Mah. V of 1962*.—In section 242 of the principal Act, after the words "as may be specified in the order" the words "to be made at least six months in advance" shall be inserted.

10. *Amendment of section 246 of Mah. V of 1962*.—In section 246 of the principal Act,—

(a) for the words "on or before the allotment date" the words "three months before the allotment date" shall be substituted;

(b) after the words "under the existing board" the words "or the Zilla Parishad" shall be inserted;

(c) after the words "ceased under the Government" the words "or the Zilla Parishad" shall be inserted.

11. *Amendment of section 253 B of Mah. V of 1962*.—In section 253 B of the principal Act, in sub-section (1), in the proviso, in clause (a), for the words "eight years" the words "nine years" shall be substituted.

12. *Amendment of section 274 of Mah. V of 1962*.—In section 274 of the principal Act, in sub-section (2), in clause (xxxviii), the words and figures "prescribing the date before which a person is to give notice of his option referred to in section 246 and" shall be deleted.

13. *Amendment of Eleventh Schedule to Mah. V of 1962*.—In the Eleventh Schedule to the principal Act, in paragraph 2, in the proviso to clause (h), for the words "eight years" the words "ten years" shall be substituted.

The Bombay Court-fees (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 16th May 1970, was published in the *Maharashtra Govt. Gazette* Ext., Part IV, No. 31, dated May 22, 1970/Jyaishta 1, 1892.

Maharashtra Act No. XXVIII of 1970.

An Act further to amend the Bomby Court-fees Act, 1959.

Whereas it is expedient further to amend the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959) for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Court-fees (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4 of Bom. XXXVI of 1959.*—In section 4 of the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959.) (hereinafter referred to as "the principal Act"), in sub-section (1), and in sub-section (2), for the words "sixty days" the words "thirty days" shall be substituted.

3. *Amendment of section 5 of Bom. XXXVI of 1959.*—In section 5 of the principal Act, in sub-section (2), and in sub-section (3), for the words "sixty days" the words "thirty days" shall be substituted.

4. *Amendment of Schedule II to Bom. XXXVI of 1959.*—In Schedule II to the principal Act, in Article I, in column 2, in clause (c), for the words "any Revenue Officer or to a public officer having jurisdiction equal or subordinate to a Collector," the words "any Revenue Officer having jurisdiction equal or subordinate to a Collector," shall be substituted.

The Bombay Police (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 19th May, 1970 was published in the *Maharashtra Govt. Gazette* Ext., Part IV, No. 32, dated May 26, 1970/Jyaishta 5, 1892.

Maharashtra Act No. XXIX of 1970.

Act Act further to amend the Bombay Police Act, 1951.

Whereas, it is expedient further to amend the Bombay Police Act, 1951 (Bom. XXII of 1951) for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement*—(1) This Act may be called the Bombay Police (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Substitution of new section 57 for section 57 of Bom. XXII of 1951.*—For section 57 of the Bombay Police Act, 1951 (Bom. XXII of 1951) (hereinafter referred to as "the principal Act"), the following shall be substituted, namely :—

"57. *Removal of persons convicted of certain offences.*—If a person has been convicted—

(a) (i) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, (XLV of 1860), or

(ii) of any offence under section 65, 66A or 68 of the Bombay Prohibition Act, 1949, (Bom. XXV of 1949), or

(iii) of an offence under section 3, 4, 5, 6 or 9 of the Suppression of Immoral Traffic in Women and Girls Act, 1956, (CIV of 1956), or

(iv) of an offence under section 135 of the Customs Act, 1962, (52 of 1962) or

(v) of an offence under section 4, or for accepting bets in any public street, or thoroughfare or in any place to which the public have or are permitted to have access, or in any race course under clause (a) of section 12, or under section 12A of the Bombay Prevention of Gambling Act, 1887 (Bom. IV of 1887), or

(b) twice or more of an offence under the Bombay Prohibition Act, 1949, (Bom. XXV of 1949) not being an offence under section 65, 66A or 68, or

(c) thrice or more of an offence under section 122 or 124 of this Act, the Commissioner, the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the area or the areas and such contiguous district or districts or part thereof, as the case may be, from which he was directed to remove himself.

Explanation.—For the purpose of this section “an offence similar to that for which a person was convicted” shall mean—

(i) in the case of a person convicted of an offence mentioned in clause (a) (1) an offence falling under any of the Chapters of the Indian Penal Code (XLV of 1860). and

(ii) in the case of a person convicted of an offence mentioned in clauses (a) (excluding sub-clause (i) thereof), (b) and (c), an offence falling under the Provisions of the Acts mentioned respectively in the said clauses.”

3. *Amendment of section 58 of Bom XXII of 1951.*—In section 58 of the principal Act, for the words “from the date on which it was made.” the words “from the date on which the person removes himself or is removed from the area, district or districts or part aforesaid” shall be substituted.

4. *Amendment of section 122 of Bom XXII of 1951.*—In section 122 of the principal Act, for the words “any implement of house-breaking shall, on conviction, be punished with imprisonment for a term which may extend to three months” the words—

any implement of house-breaking—
shall, on conviction, be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than one month and shall also be liable to fine which may extend to five hundred rupees.” shall be substituted.

5. *Amendment of section 124 of Bom XXII of 1951.*—In section 124 of the principal Act, for the words “which may extend to three months or with fine which may extend to one hundred rupees or with both” the words “which may extend to one year but shall not, except for reasons to be recorded in writing, be less than one month and shall

also be liable to fine which may extend to five hundred rupees" shall be substituted.

The Maharashtra Appropriation (Vote on Account) Act, 1970

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 28th March 1970 was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 18, dated March 28, 1970/Chaitra 7, 1892.

Maharashtra Act No XV of 1970

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the services of a part of the financial year 1970-71.

[Remaining text omitted

Editor.]

The Maharashtra Prevention of Water Pollution Act, 1969

The following Act of the Maharashtra Legislature, having been assented to by the President on the 25th March 1970 was published in the *Maharashtra Government Gazette* Ext., Part IV, No. 19, dated April 4, 1970/Chaitra 14, 1892

Maharashtra Act No. XVI of 1970.

An Act to provide for the prevention, abatement and control of pollution of streams in the State ; for the maintaining or restoring of wholesomeness of such streams, for the constitution of the Board, and for conferring on such Board functions relating thereto, and for purposes connected with the matters aforesaid.

Whereas, due to rapid industrial development in the State, a large number of industries spring up at various places adjoining rivers and streams, without making any adequate provision for treating industrial waste which is let out into such rivers and streams ;

And whereas, the Government of Maharashtra being aware of the gravity of the problem, by Government Resolution in the Urban Development and Public Health Department, No. MDR 3661/23921-M, dated the 17th September 1963 (as modified by subsequent Resolution No. MDR 3361/23921 M. dated the 6th July, 1964) appointed a Committee at State level to investigate the problem of pollution of rivers and streams and other sources of drinking water supply by industrial effluent and trade waste, and to advise Government as to the steps to be taken to prevent such pollution ;

And whereas, the Committee, after carefully considering the various problems connected with the question of pollution of surface and under-ground water sources by industrial effluent and trade waste felt that, as a large number of towns are located on rivers and streams, the water pollution problem was also created by letting out domestic sewage and sullage, and it was, therefore, necessary to take measures to control pollution of water due to both these causes ;

And whereas, after considering the report of the Committee aforesaid, it is considered expedient to provide for the prevention abatement and control of pollution of streams in the State, for the maintaining or restoring of wholesomeness of such streams by taking power to prevent pollution of streams, for controlling existing and new discharges and new outlets to streams, for the constitution of the Board, and for conferring on such Board functions relating thereto, and for purposes connected with the matters aforesaid ; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1 *Short title extent and commencement.*—(1) This Act may be called the Maharashtra Prevention of Water Pollution Act, 1969

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas and different provisions of this Act.

2. *Definitions.*—In this Act unless the context otherwise requires—

(a) “abstraction”, in relation to water contained in any source of supply in a water pollution prevention area, means the doing of anything whereby any of that water is removed from that source of supply, and either—

(i) ceases (either permanently or temporarily) to be comprised in the water resources of that area, or

(ii) is transferred to another source of supply in that area, and “abstract” shall be construed accordingly;

(b) “disposal system” means a system for disposing of sewage or trade effluent or waste; and includes sewage and industrial treatment works;

(c) “functions” includes powers and duties, and any reference to the conferring or exercise of functions shall include a reference to the imposing or performance of duties;

(d) “pollution” means such contamination of water of such alteration of the physical, chemical or, biological properties of water, or such discharge of any sewage or trade effluent or waste or of any other liquid, gaseous or solid substance into water as may or is likely to create directly or indirectly a nuisance, or render such water harmful or injurious to public health or safety or welfare, or to domestic, commercial industrial, agricultural, recreational or other legitimate uses, or to animal plant or aquatic life and health; and “pollute” shall be construed accordingly;

(e) “prescribed” means prescribed by rules;

(f) “sewage effluent” includes any effluent from the sewage disposal or sewerage works of a local authority, or any institution or body;

(g) “stream” includes any river, watercourse (whether flowing or for the time being dry), inland water (whether natural or artificial) subterranean stream the course of which is known and defined, or sea to such extent and tidal waters to such point as the State Government may by an order in the Official Gazette, specify in this behalf;

(h) “trade effluent” includes any liquid (either with or without particles of matter in suspension therein) which is discharged from any premises used for carrying on any trade or industry, other than domestic sewage; and for the purposes of this definition any land or premises wholly or mainly used (whether or not for profit) for agricultural or horticultural purposes or for scientific research or experiment shall be deemed to be premises used for carrying on a trade or industry;

(i) “treatment works” means any plant including the appurtenances thereof disposal field, lagoon, dam, pumping station, incinerator or other works used for the purposes of treating; stabilising or holding wastes;

(j) “waste” means sewage, sullage and trade effluent and all other liquid, gaseous or solid substances (such as, garbage, refuse, word residues, sand clinders, ashes, night soil and the like) which may pollute or are likely to pollute any water in a water pollution prevention area;

(k) "water pollution prevention area" means any area defined as such by the State Government under section 18

CHAPTER II

Constitution, Proceedings and Organisation of the board.

3. *Constitution of Board for prevention of water pollution.*—(1) The State Government shall, as soon as practicable, after the commencement of this Act, by notification in the Official Gazette, constitute for the purposes of this Act, a Board to be called the Maharashtra Prevention of Water Pollution Board (in this Act referred to as "the Board") to carry out the functions assigned to it by or under this Act.

(2) The Board shall consist of the following members, namely :—

(a) a Chairman to be nominated by the State Government;

(b) seven officials to be nominated by the State Government;

(c) two members to be nominated by the State Government from amongst members of local authorities functioning in the State;

(d) two members to be nominated by the State Government to represent the interests of persons concerned with carrying on of agriculture, fisheries, any industry or trade or any other interests which, in the opinion of the State Government, ought to be represented;

(e) a member secretary to be nominated by the State Government.

(3) The Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal, with power to acquire hold and dispose of property, and to contract, and may, by the name aforesaid, sue or be sued.

4. *Terms and conditions of service of members.*—(1) Save as otherwise provided by or under this Act, a member of the Board, other than the member secretary, shall hold office for a term of three years from the date of his nomination or until successor has been duly nominated, whichever is longer.

(2) A member of the Board, other than the member-secretary and Government officials, may at any time resign his office by writing under his hand addressed—

(a) in the case of Chairman, to the State Government; and

(b) in any other case, to the Chairman of the Board;

and the seat of the Chairman or such other member shall thereupon become vacant.

(3) A member of the Board, other than the member-secretary and Government officials, shall be deemed to have vacated his seat if he is absent, without the permission of the Board, from three consecutive meetings thereof or where he is nominated under clause (c) of sub-section (2) of section 3, if he ceases to be a member of a local authority, or becomes subject to any of the disqualifications specified in section 6.

(4) A casual vacancy in the Board shall be filled by a fresh nomination, and person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated, and during any such vacancy the continuing members may act as if no vacancy had occurred.

(5) A member of the Board shall be eligible for re-nomination.

(6) The other terms and conditions of service of the members of the Board, other than the member-secretary and Government officials, shall be such as may be prescribed.

5. *Meetings of Board.*—The Board shall meet not less than thrice a year but four months shall not intervene between its last sitting and the date appointed for its next sitting and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

6. *Disqualifications of non-official members.*—A person shall be disqualified for being appointed or continuing as a non-official member, if he—

(a) is of unsound mind, and stands so declared by a competent court ;

(b) is an undischarged insolvent ; or

(c) is, or has been convicted of an offence involving moral turpitude.

7. *Removal of members* —If the State Government is of opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent to perform or has become incapable of performing his duties as a member or should for any other good and sufficient reason be removed, the State Government may, after giving the member an opportunity to show cause against his removal, by notification in the Official Gazette, remove him from office.

8. *Executive Committee.*—(1) There shall be an Executive Committee of the Board, which shall consist of—

(a) the Chairman,

(b) two official members of the Board specified by the State Government,

(c) one other member of the Board to be nominated by the State Government,

(d) the member-secretary.

(2) The Chairman of the Board shall also be the Chairman of the Executive Committee ; and the member-secretary shall also be the Secretary of the Executive Committee.

(3) Subject to the general control, direction and superintendence of the Board, the Executive Committee shall be competent to deal with any matter within the competence of the Board.

9. *Constitution of sub-committees.*—(1) The Board may constitute as many sub-committees (including area sub-committees for water pollution prevention areas) consisting wholly of members, or partly of members and partly other persons, and for such purpose or purposes as it may think fit.

(2) A sub-committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed by regulations made by the Board

(3) The members of a sub-committee (other than the members of the Board) shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Board as may be prescribed.

10. *Temporary association of persons with Board for particular purposes.*—(1) The Board may associate with itself in such manner, and for such purposes, as may be prescribed any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person so associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

11. *Vacancy in Board not to invalidate acts or proceeding.*—No act or proceedings of the Board, Executive Committee or any sub-committee thereof shall be called in question on the ground merely of the existence

of any vacancy in, or any defect in the constitution of the Board, the Executive Committee, or as the case may be, any sub-committee.

12. Member-Secretary of Board.—(1) The member-secretary of the Board shall be a whole-time officer and the terms and conditions of his service shall be such as may be prescribed.

(2) He shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or its Chairman.

13. Officers and servants of Board.—(1) For the efficient exercise of the powers and functions of the Board by or under this Act, the Chairman of the Board may, with the previous approval of the State Government, appoint such technical and administrative officers and staff as may be considered necessary.

(2) The officers and staff so appointed shall be entitled to receive such salaries and allowances, and shall be governed by such terms and conditions of service, as may be determined by the State Government.

(3) The officers and staff so appointed under this section shall work under the control of the Chairman and shall be subordinate to him.

14. Expenses of Board.—All expenses incurred by the Board including expenses incurred on account of salaries and allowances of the member-secretary, the officers and staff shall be met from such funds as may be placed at the disposal of the Board by the State Government.

CHAPTER III

Powers and Functions of the Board.

15. Functions of Board.—(1) Subject to the provisions of this Act, the functions of the Board shall be—

(a) to advise the State Government to conserve the streams in the State, and to maintain them in natural State ;

(b) to protect, maintain and improve the quality thereof for the purpose of supply of water to the public, for preservation of animal, plant and aquatic life and for domestic, commercial, industrial agricultural recreational and other legitimate uses ;

(c) to promote the cleanliness of streams ; and

(d) to plan a State-wide programme by stages, if necessary, for the prevention, abatement and control of pollution of streams and for controlling existing and new discharges, and new outlet of streams in different areas of the State (hereinafter in this section referred to as "matters relating to pollution of streams"), and to secure execution thereof in the water pollution prevention areas

(e) to settle standards for effluents and for water quality, or classify water of the State.

(2) In particular, and without prejudice to the generality of the foregoing power, the powers of the Board shall include the following :—

(a) to advise the State Government on any matter relating to pollution of streams ;

(b) to co-ordinate the activities of the sub-committees (if any) ;

(c) to advise, consult and co-operate with local authorities, other State agencies, Central Government, or industrial undertakings or any interests in relation to any of the purposes of this Act ;

(d) to provide technical assistance and guidance to the sub-committees (if any), to carry out special investigations and research in respect of problems relating to pollution of streams ;

(e) to encourage, participate in and conduct investigations, research and demonstrations in respect of matters relating to pollution of streams

as it may deem advisable and necessary for the discharge of its functions under this Act ;

(f) to plan and organise the training of persons engaged or to be engaged in programmes in respect of matters relating to pollution of streams on such terms and conditions as the Board may specify ;

(g) to collect and disseminate information in respect of matters relating to pollution of streams ;

(h) to collect, compile and publish technical and statistical data in respect of matters relating to pollution of streams, and the measures devised for its effective prevention, and also prepare manuals, codes or guides relating to sewage and trade effluent and waste ;

(i) to adopt, modify or repeal and promulgate standards of quality of waters of the State and of any water works and sewage works according to their best uses in consultation with the authorities of the State or Central Government concerned, wherever necessary ;

(j) to inspect water, sewage and industrial effluents, treatment works and plants and to review plants, specifications and other data relating to water treatment plants, purification works and disposal systems or any part thereof in connection with the issue of such permits as are required by or under this Act ;

(k) to issue, continue in effect, revoke, modify or deny under such conditions as it may specify, to prevent, control or abate pollution, permission for the discharge of wastes, and for the installation, modification or operation of disposal system or any part thereof ;

(l) to issue, modify or revoke orders—

(i) prohibiting or abating discharges of wastes into streams in the water pollution prevention areas ;

(ii) requiring the construction of new disposal systems or any parts thereof, or the modification, extension or alteration of existing disposal systems or any part thereof, or the adoption of the remedial measures to prevent, control or abate water pollution ;

(iii) setting standards for effluents and for water quality classifying waters of the State or evidencing other determination by the Board.

(m) to undertake by agreement capital works in regard to treatment and disposal of trade and sewage effluent and waste jointly or severally with local authorities or industrial undertakings or other interests and in like manner maintain such works and raise the funds required for such works and their maintenance by contributions from local authorities or industrial undertakings or other interests.

16. *General powers of Board.*—Subject to the provisions of this Act and the rules made thereunder, the Board shall have power, —

(a) to engage suitable consultants or persons having special knowledge or skill to assist the Board in the performance of its functions ;

(b) with the previous sanction of the State Government, to delegate any of its functions generally or specially to any of the sub-committees appointed under section 9 or officers, and to permit them to redelegate specific powers to their subordinates ;

(c) to do such other things and to perform such acts as the Board may think necessary ; so however that, none of such acts or things are inconsistent with the provisions of this Act or rules made thereunder or any other law, for the proper discharge of its functions, and generally for the purpose of carrying into effect the purposes of this Act.

17. *Directions by State Government.*—The State Government may issue to the Board such general or special directions as to questions of

policy or as to the exercise or performance of its powers or functions by or under this Act, as it may think necessary or expedient for the purpose of carrying into effect the purposes of this Act; and the Board shall be bound to follow and act upon such directions

CHAPTER IV

Prevention of Pollution of water

18. *Water Pollution Prevention areas.*—(1) The State Government may, after consultation with the Board, by notification in the Official Gazette, define areas (hereinafter to be called "water pollution prevention areas") for the purposes of this Act, being areas the drainage of which is directed to the streams or group of streams or areas which are so near any stream or group of streams that the water thereof is likely to be polluted as a result of any sewage or trade effluent or waste passing to or percolating in such stream or group of streams.

(2) Each water pollution prevention area may be defined either by reference to a map or by reference to the line of any watershed or the boundary of any district or partly by one method, and partly by another or by both.

(3) The State Government may after consultation with the Board by like notification in the Official Gazette—

(a) alter any water pollution prevention area whether by way of extension or reduction; or

(b) define a new water pollution prevention area which may include or consist of one or more water pollution prevention areas or any part or parts thereof.

19. *Power of Board to obtain information*—(1) For the purpose of enabling the Board to perform the functions entrusted to it by or under this Act the Board or any officer empowered by it in that behalf may make surveys of any water pollution prevention area and gauge and keep records of the flow or volume and other characteristics of any stream in that area and may take steps for the measurement and recording of the rainfall in that area or any part thereof and for the installation and maintenance for those purposes of gauges or other apparatus and work connected therewith and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

(2) The Board may give directions requiring any person who in its opinion is abstracting water from any such stream in the water pollution prevention area in quantities which are substantial in relation to flow or volume of that stream or is discharging sewage or trade effluent or waste into any such stream to give such information as to the abstraction or discharging at such times and in such form as may be specified in the directions and such directions shall be complied by such person within such time as may be specified in the said direction.

20. *Power to take samples of effluents and procedure to be followed in connection therewith*—(1) The Board or any officer empowered by it in this behalf may, subject to the provisions of section 31, take for the purpose of analysis samples of water from any stream or samples of any sewage or trade effluent or waste which is passing from any plant or vessel or from or over any place into any such stream in a water pollution prevention area.

(2) The result of any analysis of a sample of any water, or sewage or trade effluent, or waste taken under sub-section (1) shall not be admissible in evidence in any legal proceeding, unless the provisions of sub-sections

of sub-sections (3) and (4) are complied with.

(3) When a sample of any water or sewage or trade effluent or waste is taken for analysis under sub-section (1), the person taking the sample shall,—

(a) give notice in writing then and there of his intention to have it so analysed to the occupier of the plant, vessel or place or to any responsible agent of such occupier ;

(b) there and then divide the sample into three parts in the presence of the occupier or such agent of the occupier or if the occupier or agent refuses to be present or is absent, then in the presence of a responsible panch ;

(c) cause each part to be placed in a container which shall be sealed up and marked, and shall also be signed both by the person taking the sample and the occupier or his agent aforesaid ;

(d) deliver one of the parts to the occupier or his agent aforesaid and retain another part for future comparison ; and

(e) submit the third part to the laboratory referred to in section 52 for analysis by Government analyst by whatever designation he may be called.

(4) If the occupier or his agent refuses to sign or to accept the part of the sample delivered to him under clause (d) of sub-section (3), the person taking the sample shall inform the Government analyst in writing about such refusal, and the Government analyst receiving the part sent to the laboratory under clause (e) of sub-section (3) shall sub-divide it in to two parts, and send one of the parts in a container (which shall be marked, sealed and signed by the Government analyst) along with his report of analysis to that person who shall retain it for production in case any legal proceedings are taken.

21. Power of entry and inspection.—(1) Subject to the provisions of this section, any person empowered by the Board in this behalf shall on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours :—

(a) to enter any place for the purpose of exercising any functions of the Board entrusted to him ;

(b) for the purpose of determining whether, and if so in what manner, any such functions are to be exercised, or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, given, made or granted under this Act is being or has been complied with, to enter any land and inspect or survey the land and inspect any articles thereon ;

(c) to enter any place for the purpose of examining any plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being committed, and for seizing any such record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Any person empowered to enter any place by virtue of sub-section (1) may take with such other person or persons for assistance as may be reasonably necessary.

(3) The provisions of the Code of Criminal Procedure, 1898 (V of 1898), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under the provisions of that Code.

(4) The provisions of this section shall apply in relation to vessels as they apply in relation to place.

22. Prohibition on use of stream for disposal of polluting matter, etc.—

(1) Subject to the provisions of this Act, any person who causes or knowingly permits to enter any stream in a water pollution prevention area—

(a) any poisonous, noxious or polluting matter ; or

(b) any other matter which may tend either directly or in combination with similar acts (whether his own or another's) to impede the proper flow of water of a stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences ;

shall be deemed to pollute the stream.

Explanation.—For the purpose of this sub-section, a person defecating or urinating into or near a stream will be deemed to pollute the stream under this section

(2) A person shall not be deemed to pollute any stream under sub-section (1) by reason only of having done or caused to be done any of the following acts, namely :—

(a) constructing, improving or maintaining in or across or on the bank or bed of any stream, any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain ;

(b) depositing any suitable materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream ;

(c) putting into any stream any sand or gravel or other natural deposit which has flowed from, or been deposited by, the current of such stream ;

(d) causing or permitting, with the consent of the Board, the deposit accumulated in a well, pond or reservoir to enter any stream ;

(d) discharging water raised or drained from any underground or a mine into a stream in the same condition in which it is raised or drained from underground :

Provided that, the Board may by order direct that this clause shall not apply to discharges into any specified stream or part of a stream.

CHAPTER V

Control of Existing Discharges.

23. Control of existing discharges.—(1) Subject to the provisions of this Act no person shall, on and after the date appointed under this section make a discharge of trade or sewage effluent or waste to a stream in a water pollution prevention area (being a discharge which is not controlled under section 28 of this Act), without the consent of the Board, which consent shall not be unreasonably withheld.

(2) An application to the Board for its consent under this Act shall state—

(a) the nature and composition of the effluent or waste from any land or premises in respect of which the application is made ;

(b) the maximum temperature of the effluent or waste at the time when it is to be discharged ;

(c) the maximum quantity of the effluent or waste which is proposed to discharge on any one day ;

(d) the highest rate at which it is proposed to discharge the effluent or waste ; and

(e) the route of discharge of the effluent up to the stream, duly supported by a copy of the plan.

(3) On an application for consent under sub-section (1), the Board may grant its consent, subject to such conditions as it may reasonably impose, being conditions—

(a) as to the period, nature and composition, temperature, volume or rate of discharge of effluent or waste from the land or premises to which the application relates, and

(b) as to the provision of facilities for taking samples of what is passing from the land or premises to the stream, and in particular, as to the provision and maintenance of inspection chambers or manholes,

and any such conditions may be framed so as to have effect for a specified period, or for a period beginning or ending with a specified date.

(4) Subject to the provisions of this Act, where on or after the date appointed under this section, a discharge, of trade or sewage effluent or waste in a water pollution prevention area is made without the consent under this Act of the Board, the Board may give to the person making the discharge a notice imposing any such conditions as the Board might have imposed on an application for its consent for making the discharge.

(5) No condition imposed under this section shall take effect until the expiration of a period of three months beginning with the giving of the consent, or as the case may be, the giving of the notice under sub-section (4) of this section, and if before the expiration of the said period of three months, a reference is made under this Act to the State Government in respect of the unreasonableness of any terms of the consent or notice, no conditions imposed under this section shall take effect, until the reference to the State Government is withdrawn or determined.

(6) No person shall cause or knowingly permit to enter a stream from land or premises in relation to which conditions have been imposed under this Act and are for the time being in force, a trade or sewage effluent or waste not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section 44 of this Act.

(7) The date appointed under this section shall be such date as the State Government may, by order published in the Official Gazette, appoint, being a date not less than fourteen months after the passing of this Act, but applications for consent under this section may be made before that date, and where consent is granted before that date subject to conditions those conditions may, subject to the provisions of sub-section (5) of this section, take effect before that date.

24. Protection while applications are being dealt with—(1) If an application to the Board for its consent under this Act is duly made before the date appointed under the preceding section (and the application is not disposed of before that date), then, until the application is disposed of—

(a) it shall not be an offence under section 44 of this Act to make a discharge from the land or premises to which the application relates which is of the nature and composition specified in the application, and which does not as respects the period, temperature, volume and rate of discharge, exceed the amounts or limits specified in the application, and

(b) no notice shall be given under sub-section (4) of the preceding section imposing any condition as respects the making of any such discharge.

(2) For the purpose of this section, an application shall not be regarded as disposed of—

(a) until the Board gives its consent to the application, or gives notice to the applicant that it refuses to give its consent, and

(b) until a further period of three months beginning with the giving of consent, or of a notice refusing the consent, has expired, and if, before the expiration of the said period of three months, a reference is made under this Act to the State Government in respect of the withholding of consent or of the unreasonableness of any terms of the consent, the application shall not be regarded as disposed of, reference to the State Government is withdrawn or determined; such withdrawal or determination being done as far as practicable within a period of three months beginning with the date of receipt of the reference by the State Government.

25. *Furnishing of information.*—(1) The State Government may, for the purpose of assisting the Board to obtain the information required by it to deal with applications for consent under this Chapter prescribe the particulars which may, in accordance with the provisions of the next following sub-section, be required of any applicant with regard to the trade or sewage, effluent or waste which has been or is being or is to be discharged from the land or premises to which the application relates.

(2) Any particulars prescribed under the foregoing sub-section may be included in directions given by the Board under sub-section (2) of section 19 to an applicant for its consent under this Act.

26. *General provisions as to conditions and consents governing discharges and outlets.*—(1) The Board shall from time to time review any condition having effect under this Act (other than a condition to be satisfied before a discharge is made or an outlet is brought into use), and may give the person making the discharge or using the outlet, as the case may be a notice making any reasonable variation of, or revoking, any such condition; and the State Government may, if it thinks fit so to do, direct the Board to vary or revoke any such condition and, if the Board fails within such period as the State Government may allow to give effect to any such condition, the State Government may itself a notice as aforesaid.

(2) A statement in the form hereto shall be included among the terms of—

(a) any consent having effect under this Act,

(b) any notice given under sub-section (4) of section 23, and

(c) any notice given under this section, other than a notice given with the consent in writing of the person to whom it is given, being a consent taking effect, or a notice given, after the commencement of this Act, and the period specified in the statement shall be a reasonable period of not less than one year from the date on which the consent takes effect or then notice is given.

Statement to be included in consents and notices.

The terms of this consent/notice will not, without the consent in writing of the person to whom this consent/notice is given (or his successor) be altered before the expiration of the period ending with the day of 19

(3) No notice shall be given under sub-section (1) of this section before the expiration of the period specified in the said statement, except with the consent in writing of the person to whom the notice is given.

(4) Sub-section (2) of this section shall not apply to a consent or notice which, in consequence of the temporary nature of the discharge to which it relates or for any other reason, will be spent within one year from the date on which the consent takes effect or the notice is given and no notice shall be given under sub section (1) of this section varying the conditions of any such consent or notice, except with the consent in writing of the person making the discharge.

(5) In this section references to varying a condition includes references to substituting for any condition or conditions any one or more other conditions, and to imposing any new condition ; and references to reviewing a condition include references to reviewing any consent on which no condition has been imposed with a view to determining whether a condition should be imposed.

27. *Appeals to State Government.*—(1) Any question arising under this Chapter—

(a) whether the consent of the Board has or has not been unreasonably withheld, or

(b) as to the unreasonableness of the terms of any consent or notice, shall be determined for the purposes of this Chapter by the State Government in accordance with the provisions of this section.

(2) If at any time the Board gives notice to an applicant for consent under this Chapter that it has refused consent, any reference to the State Government to determine whether the Board's consent has been unreasonably withheld shall be made within three months beginning with the date of receipt of the notice.

(3) Any reference to the State Government in respect of the unreasonableness of the terms of any consent or notice shall be made within three months beginning with the date of receipt of the consent or notice.

(4) If, on a reference to the State Government for it to determine a question under sub-section (1) of this section, the State Government determines that the withholding of consent, or as the case may be, that anything in the terms of the consent or notice, was unreasonable, then—

(a) where the reference is in respect of the withholding of consent, the State Government may direct that the consent shall be treated as given either unconditionally, or subject to such conditions as appear to the State Government to be reasonable;

(b) where the reference is in respect of the unreasonableness of the terms of a consent, the State Government may direct that there shall be substituted for the terms of the consent such other terms as appear to the State Government to be reasonable;

(c) where the reference is in respect of the unreasonableness of the terms of a notice, the State Government may, after giving the Board a reasonable opportunity of being heard, direct either that the notice shall be treated as annulled; or that there shall be substituted, for the terms of the notice, such other terms as appear to the State Government to be reasonable.

but, without prejudice to the provisions of section 23 of the Act relating to the time when any conditions take effect, and without prejudice to section 24 of this Act, the provisions of this Chapter shall apply as respects the period before the giving of the direction as if the withholding of consent, or, as the case may be, the terms of the consent or notice, had not been unreasonable.

CHAPTER VI

Control of New Outlets and Discharges,

28 *Restrictions on new outlets and new discharges*—(1) Subject to the provisions of this section, no person shall in any water pollution prevention area, without the consent of the Board, bring into use any new or altered outlet for the discharge of trade or sewage effluent or waste to a stream or begin to make any new or additional discharge of trade or sewage effluent or waste to a stream.

(2) An application for consent of the Board under sub-section (1) shall be made in the prescribed form, and shall contain particulars regarding the proposed construction, installation or operation of the industrial or commercial establishment or of any disposal system or of any extension or addition thereto, and such other particulars as may be prescribed.

(3) The Board may make such investigation in respect of the application for consent referred to in sub-section (1), and in making any such investigation shall follow such procedure as may be prescribed.

(4) The Board may grant its consent referred to in sub-section (1), subject to such conditions as it may reasonably impose, being,—

(a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or the construction of the outlet, or as to the use of that outlet or any other outlet for trade or sewage effluent or waste from the same land or premises; and

(b) in the case of a new or additional discharge, conditions as to the nature and composition, temperature, volume, period or rate of discharge of the effluent or waste from the land or premises from which the new or additional discharge is to be made.

and any such conditions imposed shall be binding on any person using the outlet, or discharging the effluent or waste from the land or premises, to which the condition relates.

(5) Where, without the consent of the Board, there is brought into use a new or altered outlet for the discharge of trade or sewage effluent or waste to a stream or there begins to be made a new or additional discharge of trade or sewage effluent or waste to a stream, the Board may give the person using the outlet or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent for bringing the outlet into use or beginning to make the discharge.

(6) The Board shall maintain a register containing such particulars of the conditions which have been imposed under this section in relation to outlets or in relation to effluent or waste from land or premises and as are for the time being in force (except conditions to be satisfied before an outlet is brought into use or a new or additional discharge is made) and so much of the register as relates to any outlet, or to any effluent or waste from such land or premises—

(a) shall be open to inspection at all reasonable hours by any person interested in the outlet, or in the land or premises, as the case may be, or by any person authorised by him in this behalf; and

(b) in favour of a person charged for contravening this section with causing or knowingly by permitting to enter a stream an effluent or waste not coming with any such conditions, shall be conclusive as to the conditions with which the discharge of the effluent or waste is required to comply.

(7) If the Board fails, within six months of the making to it of an application for its consent under this section, to give the person proposing to bring into use the new or altered outlet or to begin to make the new or additional discharge, as the case may be, notice that the Board gives or refuses its consent, the consent shall be deemed to have been given unconditionally at the expiration of these six months. If for the purpose of considering the application, the Board has called for any information, then the period of six months shall commence from the date on which such information is received by the Board.

(8) For the purposes of this section—

(a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after on which this section comes into force or which (whether so constructed or not) is substantially altered after that date;

(b) the expression "new or additional discharge" means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent or waste; substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of a previous discharge made as aforesaid shall not be deemed to be a new or additional discharge by reason of any reduction of the temperature or volume, period or rate of discharge of the effluent or waste as compared with the previous discharge.

29. *Refusal or withdrawal of consent by Board.*—(1) The Board shall not consent to the bringing into use of a new or altered outlet, unless the outlet is so constructed as to comply with any conditions reasonably imposed by the Board to enable it to exercise its right to take samples of the effluent or waste.

(2) The Board may, from time to time, review any condition, imposed under section 28 (other than a condition to be satisfied before an outlet is brought into use or a new discharge begins to be made), and may give the person using the outlet or making the discharge, as the case may be, a notice (which shall not be less than a period of three months) making any reasonable variation of or revoking such condition.

30. *The provisions relating to new discharges and new outlets.*—(1) The Board shall include in the register maintained by it under sub-section (6) of section 28 such particulars as the State Government may direct of any conditions which have been imposed under this Act in relation to land or premises in every water pollution prevention area, and of the other terms included in pursuance of this Act in any consent or notice.

(2) Any condition imposed under this Act shall continue in force (subject to any variation under this Act) until revoked under this Act, and shall be binding on any person discharging effluent or waste from the land or premises or, as the case may be, using the outlet to which the condition relates.

(3) If the occupier of land or premises from which effluent or waste passes or may pass to a stream by two or more ways meeting at the outlet or a point short of the outlet, gives his consent for the purposes of this sub-section, the power to impose conditions under this Act as to the effluent or waste discharged from the land or premises shall thereafter (and notwithstanding any change of occupation) include power to impose conditions as to the nature and composition, temperature, volume, period or

rate of discharge of effluent or waste passing in each or any of those ways separately; and consent given for the purposes of this sub-section shall be recorded in the register under sub-section (6) of section 28 but may be withdrawn by agreement with the Board or the State Government.

(4) Any conditions imposed under section 28 may be framed so as to have effect for a specific period or for the period beginning or ending with a specified date.

31. *Samples of effluent or waste*—(1) In any legal proceedings, it shall be presumed, until the contrary is shown, that any sample of effluent or waste taken at an inspection chamber or manhole or other place provided in compliance with a condition imposed under this Act in relation to any waters is a sample of what was passing from the land or premises to those waters.

(2) The Board may agree with the occupier of any land or premises from which effluent or waste is discharged on the point or points at which, in exercise of the Board's rights, samples are to be taken of the effluent or waste passing into any waters, and in any legal proceedings, it shall be presumed, until the contrary is shown, that any sample of effluent or waste taken at a point fixed under this section is a sample of what was passing from the land or premises to those waters.

(3) An agreement under the last foregoing sub-section shall have effect in relation to the land or premises notwithstanding any change of occupation, but the Board or the occupier for the time being may at any time declare that it shall cease to have effect.

(4) In default of agreement under the foregoing provisions of this section, the Board may apply to the State Government and the State Government may, after giving the occupier of the land or premises and any other person who appears to the State Government to be interested an opportunity of being heard fix the point at which samples are to be taken; and the State Government may from time to time on the application of the Board or the occupier of the land or premises review and vary any decision taken by it under this sub-section.

(5) The Board shall maintain a register containing such particulars as the State Government may direct of sampling points fixed under the foregoing provisions of this section, and the register shall be open to inspection at all reasonable hours by any person appearing to the Board to be interested.

32. *Appeals*.—(1) Any person aggrieved by an order made under section 28, section 29 or section 30 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer having the prescribed qualifications who shall be a person nominated in this behalf by the State Government:

Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving in appellant and the Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) If the appellate officer determines that the withholding of consent, or any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then—

(a) where the appeal is in respect of the withholding of consent, he may be direct that the consent shall be treated as given either unconditionally or subject to such conditions as appear to him to be reasonable;

(b) where the appeal is in respect of the unreasonableness of any condition imposed, he may direct either that the condition shall be treated as annulled, or that there shall be substituted for it such condition as appears to him to be reasonable;

(c) where the appeal is in respect of the unreasonableness of any variation of a condition, he may direct either that the condition shall be treated as continuing in force unvaried, or that it shall be varied in such manner as appears to him to be reasonable; but as respects the period before the giving of the direction, this section shall apply as if the withholding of consent, or the condition imposed or the variation of the condition, as the case may be, had not been unreasonable.

33 *Emergency measures in case of pollution of streams.*—(1) Where it appears to the Board that any poisonous, noxious or polluting matter is present in any stream or has entered that stream in consequence of an accident or other unforeseen act or event, the Board may, subject to the following provisions of this section, carry out such operations as the Board considers necessary or expedient for either or all of the following purposes, that is to say.

(a) removing that matter from the stream and disposing of it in such manner as the Board considers appropriate;

(b) remedying or mitigating any pollution caused by its presence in the stream; and

(c) immediately restraining or prohibiting discharge of any harmful poisons or toxic waste into stream, or from making insanitary use of the stream.

2. The power conferred by the preceding sub-section does not include power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.

34. *Revision.*—(1) The State Government may, at any time, either of its own motion, or on application made to it in this behalf, call for the records of any case where an order has been passed by the Board under section 28, section 29 or 30 or records of any case falling under section 33 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think fit:

Provided that, the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

(2) The State Government shall not revise any order passed under section 28, section 29 or section 30 where an appeal against the order lies to the appellate officer, but has not been preferred and the time within which such appeal may be preferred has not expired, or where an appeal has been preferred and is pending before the appellate officer.

CHAPTER VII

Powers of Board in Relation to Existing Discharges and New Outlets and Discharge.

35. *Powers of Board to carry out certain works.*—(1) Where under this Act any conditions have been imposed on any person for making

any existing discharges, or for bringing into use any new or altered outlet for the discharge of trade or sewage effluent or waste to a stream or for making any new or additional discharge of trade or sewage effluent or waste to a stream, and such conditions require such person to execute any work (including any treatment work) in connection with such existing discharge or new or altered outlet, or for such new or additional discharge, and such work has not been executed with in such time as may be specified in this behalf, the Board may serve a notice on the person concerned requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.

(2) If the notice referred to in sub-section (1) is not complied with, then after the expiration of the time specified in the notice, the Board may itself execute the work required to be done by the notice.

(3) All expenses incurred by the Board for execution of the aforesaid work together with interest, at such rate as the State Government may by order fix, from the date when a demand for the expenses is made until payment, may be recovered by the Board from the person concerned, as arrears of land revenue.

CHAPTER VIII

Funds, Accounts and Audit.

36. *Payments to Board.*—The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Board in each financial year such sums as the State Government may consider necessary for the performance of the functions of the Board under this Act.

37. *Fund of Board.*—(1) The Board shall have its own fund, and all sums which may, from time to time, be paid to it by the State Government, and all other receipts of the Board shall be credited to the fund of the Board, and all payments by the Board shall be made therefrom.

(2) The Board may expend such sums as it thinks fit for performing its functions under this act and such sums shall be treated as expenditure payable out of the fund of that Board.

38. *Budget.*—The Board shall prepare, in such form and at such time each year as may be prescribed a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the State Government.

39. *Annual report.*—(1) The Board shall prepare and forward to the State Government in such form and as may be prescribed an annual report, within six months from the end of every year, giving a true and full account of its activities during the previous year.

(2) Every such report shall be laid before each House of the State Legislature within six months from the time it is received by State Government

40. *Accounts and audit.*—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General Maharashtra.

(2) The accounts of the Board shall be audited by the Accountant General, Maharashtra, and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Accountant General has in connection with the audit of Government

accounts, and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(3) The accounts of the Board as certified by the Accountant General or any other person appointed by him in this behalf together with the auditor's report thereon shall be forwarded annually to the State Government; and the State Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER IX

Penalties and Procedure.

41. *Failure to comply with directions under sections.*—Whoever intentionally fails to comply with any directions given under section 19 within such time as may be specified in the directions shall, in respect of each such failure, on conviction, be punished with fine which may extend to one thousand rupees; and in case the failure continues, with an additional fine which may extend to one hundred rupees for every day during which such failure continues after conviction for the first such failure.

42. *Penalty for obstruction*—Whoever voluntarily obstructs any person lawfully exercising a right conferred by or under this Act to enter any land or any vessel or to carry out any inspection or survey or to make copies of or extracts from any documents or to obtain and taken away samples shall, on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

43. *Penalty for certain acts*—If any person.

(a) wilfully destroys, pulls down, injures or defaces any notice or other matter posted by the authority of the Board or such matter inscribed and placed by the Board ;

(b) wilfully obstructs any person duly acting under the orders or directions of the Board in setting out the lines of any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such works, or defaces or destroys any works made for the same purposes or in carrying out any operations or orders under this Act ; or

(c) wilfully damages any works or property belonging to the Board ; or

(d) wilfully neglects to furnish any officer or other employee of the Board any information required by him for the purposes of this Act ; he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

44. *Contravention of prohibitory provisions of section 22, etc.*—Whoever intentionally contravene the provisions of sub-section (1) of section 22 or who knowingly causes or permits to enter a stream by an outlet, or from any place or premises or plant or vessel, in relation to which conditions have been imposed under section 23 any trade or sewage effluent or waste not complying with those conditions, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

45. *Penalty for new or altered outlet or new discharges without consent of Board.*—Whoever, in contravention of the provisions of section

28, brings into use a new or altered outlet or begins to make a new discharge without obtaining the consent of the Board or without observing any conditions imposed by the Board in giving its consent under that section (being conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made), shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

46. *Enhanced penalty after previous conviction.*—If any person who has been convicted of any offence punishable under this Act is again found guilty of an offence involving a contravention of the same provision, he shall, on conviction, be punished on a subsequent conviction with imprisonment which may extend to six months but shall not be less than three months, and with fine which may extend to two thousand rupees, or both.

47. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly ;

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director" in relation to a firm means a partner in the firm.

48. *Sanction of prosecution*—No legal proceedings or prosecution for an offence punishable under this act shall be instituted, until the expiration of one month after notice has been given to the offender that the taking of such proceedings or prosecution is being considered, and no legal proceedings or prosecution instituted shall be withdrawn, except with the previous sanction of the Board, or any officer authorised by the Board in this behalf.

49. *Jurisdiction of courts.*—No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

50. *Cognizance of offences.*—No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of the Board.

51. *Compounding of offences.*—(1) The Board by general or special order in this behalf may either before or after the institution of the legal proceedings or prosecution with the permission of the court compound any offence punishable by or under this Act subject to such terms and conditions as may be laid down by the Board in this behalf;

Provided that, the Board before compounding any offence shall not accord its approval unless the accused pays to the Board by way of composition of the offence such sum as may be determined by it. Such sum shall not be less than one-half of the maximum amount of fine prescribed for the offence, and if the fine prescribed therefore is unlimited shall not be less than five hundred rupees.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged; and no further proceedings shall be taken against him in respect of the offence so compounded.

CHAPTER X

Miscellaneous

52. *State Water Testing and Waste Characterisation Laboratory.*—(1) The State Government may, by notification in the Official Gazette,—

(a) establish a State Water Testing and Waste Characterisation Laboratory, or

(b) specify any laboratory or institute as a State Water Testing and Waste Characterisation Laboratory, to carry out the functions entrusted to the State Water Testing and Waste Characterisation Laboratory by this Act or rules made there under.

(2) The State Government may, after consultation with the Board, make rules prescribing—

(a) the functions of the State Water Testing and Waste Characterisation Laboratory;

(b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent or waste for analysis, test or characterisation, the form of the report of the Government analyst thereon and fees payable in respect of such analysis, test or characterisation and report;

(c) such other matters as may be necessary or expedient to enable the laboratory to carry out his functions.

53. *Government analyst.*—The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be Government analysts for such water pollution prevention areas as may be assigned to them by the State Government.

54. *Report of Government analyst.*—(1) The Government analyst shall deliver, in such form as may be prescribed a report to the Board or to the person taking any sample under this Act of the result of the analysis of such sample sent to him for analysis.

(2) Subject to the provisions of section 20, any documents purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceedings under this Act.

55. *Returns and reports.* The Board shall furnish to the State Government such reports, returns, statistics, accounts and other information with respect to its fund or activities as the State Government may, from time to time, require.

56. *Authentication of orders and documents of Board.*—All permissions, orders, decisions, notices and other documents of the Board shall be authenticated for and on behalf of the Board by the signature of the member-secretary or any officer authorised by the Board in this behalf.

57. *Service of notices, etc.*—(1) All notices, orders and other documents required by this Act or any rule made thereunder to be served on any person shall, save as otherwise provided in this Act or such rule be deemed to be duly served—

(a) Where the person to be served is a company the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956; (1 of 1956).

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name and style under which its business is carried on, and either—

- (i) sent under a certificate of posting or by registered post, or
- (ii) left at the office;

(c) where the person to be served is a local body or a statutory public body or a corporation or other body, if the document is addressed to the Secretary, Treasurer or other head officers of that body or corporation at its principal office, and is either—

- (i) sent under a certificate of posting or by registered post, or
- (ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and—

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family, or is affixed on some conspicuous part of the building to which it relates, or
- (iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or premises may be addressed to the owner or the occupier, as the case may be, of that land or premises having that land or premises without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) or sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or premises or, where there is no person on the land or premises to whom it can be delivered, if affixed to some conspicuous part of the land or premises,

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner,

4. For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the Authority to state the name and address of the owner thereof.

58. *Notices, etc. to fix reasonable time.*—Where any notice, order or other document issued or made under this Act or any rule made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rules, the notice, order or other document shall specify a reasonable time for doing the same or complying herewith.

59. *Local authorities to assist.*—All local authorities shall render such help and assistance and furnish such information to the Board as the Board may require for carrying out its functions, and shall make available to the Board for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

60. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against any member, officer or servant of the Board or of Government for anything in good faith done or intended

to be done by or under this Act, or any rule made thereunder.

61. *Over riding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

62. *Power of State Government to make rules.*—The State Government may, after consultation with the Board and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprized in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the Official Gazette, of such decision have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

63. *Power to delegate.*—The State Government may, by notification in the official Gazette, delegate any power (other than the power to make rules) exercisable by it under this Act or the rules made thereunder to any officer of the State Government.

64. *Members, officers and staff of Board to be public servants.*—All members, officers, and servants of the Board, when acting or purporting to act in pursuance of any of the provisions of this Act and rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1860).

65. *Power of Board to acquire land.*—The Board may take steps for the compulsory acquisition of any land or any interest therein required for the purposes of this Act in the manner provided in the Land Acquisition Act, 1894 (I of 1894); Land the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894).

Object :—There has been a phenomenal growth of industries in the State during the course of the last few years and a large number of industries have sprung up at various places adjoining rivers and streams. The problem of pollution of rivers, streams and other sources of potable water by industrial effluent or trade waste has, therefore, been anxiously engaging the attention of the Government; and in consequence thereof, in 1963 the Government of Maharashtra appointed a Committee to investigate the problem of pollution of rivers and streams and other sources of drinking water supply by industrial effluent or trade waste and to advise the Government as to the steps to be taken to prevent such pollution.

The following notes on clause explain the important provisions of the Bill i—

Clause 1.—This clause provides for bringing the Act into force on different dates in different areas or in relation to different provisions, if so required.

Clause 3.—This clause provides for the constitution of the Maharashtra Prevention of Water Pollution Board. The Board is made a body corporate;

Clause 8.—This clause provides for an Executive Committee.

Clause 9.—This clause provides for constitution of sub-committees.

Clause 10.—This clause provides for temporary association of person with the Board for particular purposes.

Clause 15.—The main functions of the Board are—

(a) to advise the State Government to conserve the streams in the State, and maintain them in natural state;

(b) to protect, maintain and improve the quality thereof for the purpose of supply of water to the public, for bathing and recreation, for preservation of fish, wild and aquatic life, and for domestic, agricultural industrial and other legitimate uses ;

(c) to promote cleanliness of streams ;

(d) to plan a State-wide programme for prevention, abatement and control of existing or new pollution of streams in different areas and secure their execution.

Clause 22.—This clause prohibits the use of stream for disposal of polluting matters in a water pollution prevention area.

Clause 23.—This clause provides that after an appointed day, it shall be unlawful to make a discharge of trade or sewage effluent or waste to a stream in a water pollution prevention area without the consent of Board.

Clause 24.—This clause provides for protection of the applicants while applications are dealt with by the Board,

Clause 26.—This provides for empowering the Board to review any condition from time to time after giving notice to the person concerned.

Clause 27.—It provides for appeals to the State Government in regard to the reasonableness or unreasonableness of the consent of the Board.

Clause 32.—This clause provides for appeals against orders made under section 22, 29 or 30 to an appellate officer nominated by the State Government.

Clause 34.—This clause provides for revisional powers of the State Government against the order passed under section 28, 29, 30 or 33.

Chapter VIII.—It provides for penalties and procedure in respect of, failures to comply with directions and for other breaches of prohibitory orders under different provisions of the Bill.

Clause 63.—It provides for delegation of powers by the State Government exercisable by it under the Act or rules to any officer of the State Government. For the statement of Objects and Reasons see the *Maharashtra Govt. Gazette* Part V, dated April 10, 1969/Chaitra 20, 1891.

Report of the Select Committee:—For Report of the Select Committee see the *Maharashtra Govt. Gazette*, Part V, dated April 10, 1969, Pages 170—172.

The Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Act, 1970

The following Act of the Maharashtra Legislature, having been assented to by the President on the 9th July 1970 was published in the *Maharashtra Govt. Gazette*, Part IV, No. 33 dated July, 15, 1970/Asadha 24, 1892.

Maharashtra Act No. XXIX of 1970.

An Act to provide for the reconstruction of religious endowments acquired for any project on resettlement sites provided by the State Government and for matters connected therewith.

Whereas, it is expedient to provide for the reconstruction of religious endowments acquired for any project on resettlement sites provided by the State Government and for matters connected therewith; It is hereby

enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title extent and commencement.*—(1) This Act may be called the Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Act, 1970.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint in this behalf.

2. *Definitions.*—In this Act, unless the context requires otherwise—

(a) "acquired endowment" means a religious endowment acquired by the State Government for the purposes of any project ;

(b) "competent authority" means the Collector, and includes any other officer appointed by the State Government, by notification in the Official Gazette, to perform all or any of the functions of a competent authority under this Act ;

(c) "project" means any irrigation, power or any other project executed or to be executed by the State Government ;

(d) "reconstructed endowment" means a religious endowment which is reconstructed on a resettlement site with the assistance of the compensation money received in respect of any acquired endowment as provided in the Act ;

(e) "religious endowment" means any temple, mosque, church, agyari, synagogue or any endowment created for religious worship or other public religious purpose ;

(f) "resettlement site" means the site provided or to be provided by the State Government for resettling persons who have been or will be displaced by the acquisition of lands for a project ;

(g) "trustee" means a trustee of a religious endowment.

3. *Notice of award of compensation.*—(1) Whereas due to any project, executed or to be executed by the State Government any religious endowment is acquired by the State Government under any law for the time being in force, and the amount of compensation therefor, and the persons to whom such amount is to be paid, have been finally determined under such law, a notification to that effect shall be published in the Official Gazette and in such other manner as the competent authority may deem fit, stating the name of the religious endowment together with plans or photographs thereof, if any, or any document containing any description or information of such endowment including any instrument of trust in respect thereof, the names of persons including trustees to whom the amount of compensation should be paid and requiring such persons to claim the compensation and pass a receipt in token of having received it within sixty days from the date of the publication of such notification in the Official Gazette. The competent authority shall also cause a copy of such notification to be forwarded to the trustees to whom the compensation is to be paid.

(2) If no trustees are ascertainable or all the trustees do not claim the amount of compensation and pass a receipt signed by all the trustees in token of having received such amount within a period of sixty days aforesaid, then the amount of compensation determined as aforesaid, shall vest in the State Government for the purposes of reconstructing the religious endowment on resettlement site as provided in this Act.

4. *Power of State Government to require Collector to reconstruct place of worship.*—(1) Where any compensation is vested in the State Government under section 3, the State Government may, subject to the provisions of this section, by order require the competent authority to reconstruct the religious endowment at such site as may be specified in the

order, such site being situated as far as possible, in the village where persons displaced from any area in which such acquired endowment was situated have been resettled.

(2) The religious endowment shall, subject to the provisions of rules made in this behalf, be reconstructed on the resettlement site, as far as possible on the model of the acquired religious endowment, and in accordance so far as can be ascertained with the general wishes of those who will be interested in such endowment when reconstructed, so however that the cost of reconstruction shall not exceed the amount of compensation vested in the State Government and the amount of any grant or contribution received for reconstructing the endowment.

(3) The rules made under sub-section (2) may provide for powers of the competent authority for reconstructing the endowment, the installation of image of the deity, of any size, shape, architectural design and all matters incidental to, or connected with, the reconstruction of the religious endowment concerned.

(4) The competent authority shall, after the religious endowment is reconstructed inform the State Government accordingly.

5 *Provisions in respect of reconstructed endowments.*—(1) Every reconstructed endowment shall be registered as a public trust for the purposes of the Bombay Public Trusts Act, 1950; (Bom XXIX of 1950) and the provisions of Chapter IV of that Act relating to the registration of public trusts shall, as far as may be, apply to the making of entries in the register kept under section 17 of that Act. The entries so made shall be final and conclusive.

(2) The property—moveable and immoveable—and all interests of whatsoever nature or kind therein which vested in the acquired endowment shall be deemed to be transferred to and shall vest in, without further assurance the reconstructed endowment; and if any such property is burdened with any encumbrances, then such encumbrances shall be transferred therefrom and shall be deemed to be attached to the reconstructed endowment and the lessee, mortgagee, creditor, or as the case may be, any other encumbrancer shall exercise his rights accordingly.

(3) Save as expressly provided aforesaid, all rights, liabilities and obligations (including contracts) and the instrument of trust, if any and all suits and legal proceedings in relation to the acquired endowment shall subject to the provisions of sub-section (2) of section 6, be deemed to be the rights, liabilities and obligations, contracts and the instrument of trust, or as the case may be, suit or legal proceedings in relation to the reconstructed endowment.

6. *Power of State Government to refer to Charity Commissioner for framing scheme for reconstructed endowment if trustees do not accept it.*—(1)

The State Government shall, from such date as it may determine, offer to transfer the reconstructed endowment to the trustees of the acquired endowment; and on accepting the offer, the reconstructed endowment shall, subject to the provisions of section 5, vest in the trustees and the trustees shall subject to any order of the State Government, administer and manage the reconstructed endowment in all respects as the acquired endowment was administered and managed before the commencement of this Act, regard being had to the instrument of trust, if any, under which the acquired endowment was created.

(2) If the trustees fail to accept the offer within sixty days from the date of the offer or such extended period as the State Government may permit in this behalf, the State Government may by order refer the matter to the Charity Commissioner and thereupon, the provisions of sections 50A and 72 of the Bombay Public Trusts Act, 1950 (Bom XXIX of 1950) and all provisions of that Act applicable thereto shall apply in relation to the reconstructed endowment as they apply in relation to public trusts under section 50A.

7. *Penalty for refusal to hand over property to trustees of reconstructed endowment*—(1) On the appointment of any trustees of any reconstructed endowment in pursuance of the provisions of section 6, the trustees of the acquired endowment shall forthwith hand over the property of the acquired endowment in their possession or under their control to the trustees of the reconstructed endowment so appointed.

(2) If the trustees of any acquired endowment fail or refuse to transfer any property belonging to such endowment (being property which is deemed to be transferred to and vested in, the reconstructed endowment by operation of the provisions of sub-section (2) of section 5) to the trustees of the reconstructed trust within forty-five days or such extended period as the State Government may permit in this behalf after the appointment of such trustees, the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the trustees of the acquired endowment who are in possession or control of the property of such endowment to forthwith hand over such property to the trustees of the reconstructed endowment appointed as aforesaid.

(3) If the trustees of the acquired endowment do not comply with any direction issued under sub-section (2), the State Government may take steps to recover the property in the possession or control of such trustees, and for that purpose the State Government may authorize any officer to issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under Chapter VII of the Code of Criminal Procedure, 1898 (V of 1898.) The property so recovered shall be handed over to the trustees of the reconstructed endowment appointed as aforesaid.

(4) If the trustees of the acquired endowment do not comply with any direction issued under sub-section (2), otherwise than for reasons beyond their control they shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

8. *Application*—(1) Any person aggrieved by any decision or order of the competent authority given or made under this Act or any rules thereunder may, within sixty days from the date of such decision or order, apply to the State Government to set aside such decision or order. Pending the disposal of the application the State Government may, if there is a prima facie case for a stay order, make a stay order subject to any terms or conditions as may be specified in the stay order.

(2) The State Government after making such inquiry and considering such evidence, both oral and documentary as may be adduced, may confirm, revoke or modify the decision or order of the competent authority.

9. *Appeal*—(1) Any person aggrieved by any decision or order of the State Government under this Act (except an order to refer the matter to the Charity Commissioner under section 6), may appeal to the Maharashtra Revenue Tribunal constituted under the Maharashtra Land Revenue Code, 1966, (Mah. XLI of 1966) in the manner provided by

rules made in that behalf.

(2) Subject to the decision of the Maharashtra Revenue Tribunal in appeal, the decision of the State Government shall be final and conclusive.

10 *Officers holding inquiries to have powers of civil court*—In holding inquiries for the purpose of this Act, the officer or authority holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, (V of 1908) in trying a suit—

- (a) proof of facts by affidavits.
- (b) summoning and enforcing the attendance of any person and examining him on oath,
- (c) compelling the production of documents,
- (d) issuing of commissions.

11. *Inquiries to the judicial inquiries*—All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860)

12. *Limitations*.—In computing the period of appeal under this Act the provisions of sections 4, 5 and 12 of the Limitation Act, 1933, (36 of 1933) shall apply to the filing of such appeals.

13. *Indemnity from suits and proceedings*.—No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act or rules thereunder.

14. *Rules*.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act including provision of fees for the imposition for the purposes of this Act.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and; if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall, from the date of such notification, have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

The Bombay Sales Tax (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 12th April, 1970, was published in the *Maharashtra Government Gazette*, Ext. Part IV, No. 24, dated April 15, 1970/Chaitra 24, 1892.

Maharashtra Act No. XXI of 1970.

An Act further to amend the Bombay Sales Tax Act, 1970.

Whereas, it is expedient further to amend the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), for the purposes hereinafter appearing : It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Sales Tax (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 20 of Bom. LI of 1959.*—In section 20 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) (hereinafter referred to as "the principal Act"),—

(a) in sub-section (2), for the words "To assist the Commissioner in the execution of his functions under this Act," the word "Likewise," shall be substituted ;

(b) in sub-section (5),—

(i) after the words "A Deputy Commissioner shall" the words "save as otherwise directed by the State Government," shall be inserted ;

(ii) the portion beginning with the words "but the Commissioner may," and ending with the words "restored to him or them" shall be deleted.

3. *Amendment of section 54 of Bom. LI of 1959.*—In section 54 of the principal Act, for the words "any officer, appointed to assist him" the words "any officer or person subordinate to him" shall be substituted.

4. *Amendment of section 57 of Bom. LI of 1959.*—In section 57 of the principal Act, in sub-section (1), for clause (a) the following clause shall be substituted, namely :—

"(a) the Commissioner may, of his own motion, call for and examine the record of any order passed (including an order passed in appeal under this or the rules made thereunder by any officer or person subordinate to him, and pass such order thereon as he thinks just and proper :

Provided that, no notice in the prescribed form shall be served by the Commissioner under this clause after the expiry of three years from the date of the communication of the order sought to be revised, and no order in revision shall be made by him hereunder after the expiry of five years from such date ;"

5. *Amendment of section 68 of Bom. LI of 1959.*—In section 68 of the principal Act, in sub-section (1), for the words and figures "any officer appointed under section 20 to assist him" the words "any officer or person subordinate to him" shall be substituted.

6. *Amendment of section 72 of Bom. LI of 1959.*—In section 72 of the principal Act, the words "to assist the Commissioner" shall be deleted.

Published in the *Maharashtra Government Gazette*, Ext., Part IV,
No 39, dated September 19, 1970/Bhadra 28, 1892.

The Maharashtra Essential Services Maintenance Ordinance, 1970.

Maharashtra Ordinance No. IV of 1970.

An Ordinance to provide for the maintenance of certain essential services and the normal life of the community

Whereas, both Houses of the Legislature of the State are not in session ;

And Whereas, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the maintenance of certain essential services and the normal life of the community ;

And whereas, the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title, extent and commencement* —(1) This Ordinance may be called the Maharashtra Essential Services Maintenance Ordinance, 1970.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force at once.

2. *Definitions*.—(1) In this Ordinance, unless the context otherwise requires,—

(a) "essential service" means,—

(i) all employment under the State Government (including all officers and servants of the State Legislature Secretariat and of the High Court);

(ii) any other employment or class of employment connected with matters with respect to which the State Legislature has power to make laws, and which the State Government is of opinion that strikes in such employment or class of employment would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies or services essential to the life of the community or would result in the infliction of grave hardship on the community, and declares, by notification in the Official Gazette, to be an essential service for the purposes of this Ordinance;

(b) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes—

(i) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

(2) Every notification issued under sub-clause (ii) of clause (a) of sub-section (1) shall be laid before each House of the State Legislature immediately after it is made if it is in session, and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of the State Legislature, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of the State Legislature.

Explanation—Where the Houses of the State Legislature are summoned to reassemble on different dates, the period of forty days shall be reckoned from the later of those dates.

3. *Power to prohibit strikes in certain employments* —(1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the State Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be, in force for six months only, but the State Government may, by a like Order, extend it

for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike ;

(b) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. *Penalty for illegal strikes*—Any person who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

5. *Penalty for instigation, etc.*—Any person who instigates, or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. *Penalty for giving financial aid to illegal strikes*.—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

7. *Section 4, 5 or 6 in addition to disciplinary action*—Any action taken under section 4, 5 or 6 shall not affect, and shall be in addition to, any action of a disciplinary nature or any consequence which may ensue, and to which any person may be liable by the terms and conditions of his service or employment.

8. *Power to arrest without warrant and offences to be non-bailable*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), any Police Officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance. All offences under this Ordinance shall be non-bailable.

9. *Ordinance to override other laws*—The provisions of this Ordinance or of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Bombay Industrial Relations Act, 1947 (Bom. XI of 1947); the Industrial Disputes Act, 1947 (XIV of 1947), or in any other law for the time being in force.

STATEMENT

It has always been the endeavours of the Government of Maharashtra to provide comprehensive and positive arrangements for the legitimate problems and grievances of its employees. The unauthorised abstention from work over long periods and/or strikes by Government personnel dislocate work and cause great hardship to the public. In the prevailing circumstances, the State Government considers that they should have powers, similar to those enjoyed by the Central Government under the Essential Services Maintenance Act, 1968, to meet any situation which may be created by any kind of strike by Government employees, public utility services and the like, to ensure the maintenance of essential services and the normal life of the community.

2. The Ordinance is only an enabling measure. It defines "essential service", which, *inter alia*, includes any service declared as such by notification by the State Government. The Ordinance makes suitable

provisions for the laying of such notifications before the State Legislature. The Ordinance authorises the Government to prohibit strikes in essential services and declares prohibited strikes to be illegal and provides for penalties for persons participating in such strikes as well as for persons instigating and financing such strikes.

3. As the State Legislature is not in session and it is necessary to take immediate action to arm Government with these powers, this Ordinance is promulgated.

ALI YAVAR JUNG,
Governor of Maharashtra.

Dated the 18th September, 1970.

The Maharashtra (Second Supplementary) Appropriation Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 3rd September 1970, was published in the *Maharashtra Govt. Gazette* Ext., Part IV, No. 37, dated September 7, 1970/Bhadra 16, 1892.

Maharashtra Act No. XXXIII of 1970.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty first day of March 1971.

WHEREAS by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1971; and for the purpose of authorising payment of the said sums; it is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Maharashtra (Second Supplementary) Appropriation Act, 1970.

[Remaining text omitted.

Editor].

The Bombay Khar Lands (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 24th August 1970, was published in the *Maharashtra Govt. Gazette*, Ext., Part IV, No. 35, dated September 1, 1970/Bhadra 10, 1892.

Maharashtra Act No. XXXI of 1970.

An Act further to amend the Bombay Khar Lands Act, 1948.

WHEREAS, it is expedient further to amend the Bombay Khar Lands Act, 1948, (*Bom. LXXII of 1948*), for the purpose hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows.

1. *Short title.*—This Act may be called the Bombay Khar Lands (Amendment) Act, 1970.

2. *Amendment of section 17E of Bom. LXXII of 1948.*—In section 17E of the Bombay Khar Lands Act, 1948 (*Bom. LXXII of 1948*), (hereinafter referred to as the principal Act,—

(a) after the words “natural calamity” the words “or that such landlords, intermediate tenure holders and tenants have agreed to change the user of such land for any non-agricultural purpose, or that

such lands have been acquired under any law for the time being in force for any public purpose rendering the continuance of the scheme unnecessary" shall be inserted ;

(b) at the end, the following proviso shall be added, namely :—

"Provided that, where any scheme is revoked for the reason that the landlords, intermediate tenure holders and tenants have agreed to change the user of such land for any non-agricultural purpose, all such landlords, intermediate tenure holders and tenants, shall within sixty days from the date of revocation of the scheme, pay to the State Government the cost of such scheme contributed by the State Government under section 25 in the same proportion in which such landlords, intermediate tenure holders and tenants have contributed their share of the cost of the scheme under that section. If such payment is not made within such sixty days by any such person he shall be liable to pay interest at such rate as may be prescribed, from time to time on the amount due from him from the date immediately following the date of expiry of the period of such sixty days to the date of making the payment."

3. *Amendment of section 40 of Bom. LXXII of 1948.*—In section 40 of the principal Act, after the words "this Act" the brackets, words, figures and letter "(including the proviso to section 17E)" shall be inserted.

The Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor, on the 27th August, 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 36, dated September 1, 1970/Bhadra 10, 1892.

Maharashtra Act No XXXII of 1970.

An Act to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.

Whereas, it is expedient to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, (Mah. XX of 1964), for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2 of Mah. XX of 1964.*—(1) In section 2 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), (hereinafter referred to as "the principal Act") :—

(a) in clause (f), the words "and Rural Finance" shall be deleted ;

(b) in clause (n), after the words "agricultural produce" the words "either of his own account, or" shall be inserted ;

(2) An reference in any law or in any instrument or other document to the expression "Director of Agricultural and Rural Finance for the State of Maharashtra" shall, unless a different intention appears be construed as a reference to the Director of Agricultural Marketing for the State of Maharashtra ; and in all suits or other legal proceedings before any court, tribunal or authority pending on the commencement of the Maharashtra Agricultural Produce Marketing (Regulation)

(Amendment) Act, 1970 (Mah. of 1969), in which or to which the Director of Agricultural Marketing and Rural Finance for the State of Maharashtra is a party, the Director of Agricultural Marketing for the State of Maharashtra shall be deemed to be substituted therefore

3. *Amendment of section 3 of Mah. XX of 1964.*—In section 3 of the principal Act, in sub-section (2), for the words 'from the date of the notification' the words "to be specified in the notification" shall be substituted.

4. *Amendment of section 6 of Mah. XX of 1964.*—In section 6 of the principal Act, in sub-section (2), after the words "shall apply to sales by retail" the words "sales by an agriculturist who sells his own produce;" shall be inserted

5. *Amendment of section 7 of Mah. XX of 1964.*—In section 7 of the principal Act, to sub-section (2), the following shall be added, namely:—

"Provision may also be made for exempting any class of persons from payment of such fees on such terms and conditions as may be prescribed".

6. *Amendment of section 13 of Mah. XX of 1964.*—In section 13 of the principal Act, in sub-section (1),—

(1) for the words "fifteen members", the words "eighteen members" shall be substituted; and

(2) for clause (a) the following clause shall be substituted, namely:—

"(a) ten agriculturists residing in the market area (not being less than twenty-one years of age on the date specified from time to time by the Collector in this behalf); seven of whom shall be elected by members of the managing committees of the agricultural credit societies, and multipurpose co-operative societies within the meaning of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and the rules made thereunder, functioning in the market area; and three shall be elected by members of village panchayats functioning therein."

7. *Amendment of section 17 of Mah. XX of 1964.*—In section 17 of the principal Act, for the words "eight members" the word "ten members" shall be substituted.

8. *Amendment of section 31 of Mah. XX of 1964.*—In section 31 of the principal Act, to the second proviso, the following shall be added at the end, namely:—

"or in relation to declared agricultural produce purchased by persons engaged in industries carried on without the aid of any machinery or labour in any market area".

9. *Amendment of section 36 of Mah. XX of 1964.*—In section 36 of the principal Act, in sub-section (1), the words "by way of fees" shall be deleted.

10. *Amendment of section 43 of Mah. XX of 1964.*—In section 43 of the principal Act, after the words "Market Committee" at both the places where they occur, the words "or the Director" shall be inserted.

11. *Amendment of section 57 of Mah. XX of 1964.*—In section 57, of the principal Act,—

(a) in sub-section (2), after the word "thereunder", the words "or any sum due to an agriculturist for the declared agricultural produce sold by him in the market area which is not paid to him within the period prescribed in that behalf" shall be inserted;

(b) in sub-section (3), after the words "Market Committee", the words "or any agriculturist" shall be inserted !

(c) for sub-section (4), the following shall be substituted, namely :—

"(4) The State Government may constitute one or more Tribunals consisting of the Collector who has jurisdiction over the market area :

Provided that, the State Government may, if in its opinion it is necessary so to do in any case, constitute a Tribunal consisting of one person other than the Collector (possessing the prescribed qualifications) who is not connected with the Market Committee or with the person from whom the sum is alleged to be due." ;

(d) to sub-section (5), the words, "or as the case may be, by the agriculturist and Market Committee in such proportion as may be prescribed" shall be added at the end.

12. *Amendment of section 58 of Mah. XX of 1964.*—In section 58 of the principal Act, for the words "upon it or on the Director or to any other officer or person specified in the notification", the words "upon it to the Director or any other officer or person ; and delegate any powers of the Director, to any other officer or person, specified in the notification" shall be substituted.

13. *Amendment of Schedule to Mah. XX of 1964.*—In the schedule to the principal Act, under heading "XV, Forest Produce" after entry 5, the following shall be added, namely :—

"6. Timber and Fire-wood."

The Bombay Village Panchayats (Amendment) Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 4th September, 1970, was published in the *Maharashtra Government Gazette*, Ext., Part IV, No. 38, dated September 7, 1970/Bhadra 16, 1892.

Maharashtra Act No. XXXIV of 1970

An Act further to amend the Bombay Village Panchayats Act, 1958.

Whereas, it is expedient further to amend the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), for the purposes hereinafter appearing ; It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Village Panchayats (Amendment) Act, 1970.

(2) The provisions of this Act, including the provisions of sub-section (1) of section 131 substituted by section 20 of this Act [but not including sub-sections (2) to (6) of that section], shall come into force on such date as the State Government may appoint ; and the provisions of sub-sections (2) to (6) of section 131 aforesaid shall come into force on such latter date as the State Government may in a like manner appoint.

2. *Amendment of section 3 of Bom. III of 1959.*—In section 3 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), (hereinafter referred to as "the principal Act"), in clause (27), for the words "and 'Block Development Officer' ", the words " 'Block Development Officer' and 'block grant' " shall be substituted.

3. *Amendment of section 14 of Bom. III of 1959.*—In section 14 of the principal Act, after Explanation 3, the following Explanation shall be substituted, namely :—

"*Explanation 4.*—For the purposes of clause (g), a person shall not be deemed to have any share or interest in any employment by reason

only of any relation of his being employed with or under a panchayat, as an Officer or servant thereof."

4. *Amendment of section 15 of Bom. III of 1959.*—In section 15 of the principal Act, after sub-section (6), the following new sub-section shall be added, namely :—

"(7) If the validity of any election is brought in question only on the ground of an error made by the Officer charged with carrying out the rules made in this behalf under section 176 read with sub-section (2) of section 10 and section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election."

5. *Amendment of section 30 of Bom. III of 1959.*—In section 30 of the principal Act, the following shall be inserted below the proviso, namely :—

"Provided further that, no member shall be eligible for being elected or for continuing, as Sarpanch or Upa-Sarpanch if he holds the Office of the President or Vice-President of any Zilla Parishad or Chairman of any Subjects Committee thereof or the Chairman of any panchayat samiti."

6. *Amendment of section 35 of Bom. II of 1959.*—In section 35 of the principal Act, in sub-section (2), after the words "total number of the then members of the panchayat" the brackets and words "(other than the associate members)" shall be inserted.

7. *Amendment of section 37 of Bom. III of 1959.*—In section 37 of the principal Act, after the words "total number of members of such panchayat" the brackets and words "(other than the associate members)" shall be added.

8. *Amendment of section 38 of Bom. III of 1959.*—In section 38 of the principal Act, in sub-section (2), after clause (i), the following new clause shall be inserted, namely :—

"(i-a) A sarpanch may issue under his signature and under the seal of the panchayat, income certificates which are required to be issued under any directions of Government."

9. *Amendment of section 39 of Bom. III of 1959.*—In section 39 of the principal Act, in sub-section (1) :—

(1) the words, "after giving due notice to the panchayat and the person concerned, and after such enquiry as it thinks fit," shall be deleted.

(2) for the proviso, the following shall be substituted, namely :—

"Provided that, no such person shall be removed from office unless the Chief Executive Officer, under the orders of the President of the Zilla Parishad concerned holds an inquiry after giving due notice to the Panchayat and the person concerned; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer submits his report to the Standing Committee."

10. *Amendment of section 53 of Bom. III of 1959.*—In section 53 of the principal Act, :—

(1) after sub-section (2), the following shall be inserted, namely :—

"(2A) If any panchayat fails to take action under sub-section (2) within such time as may be prescribed, the Collector suo moto or on an

application made in this behalf, may take action as provided in that sub-section. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment or unauthorized cultivation of the crop and shall be recoverable from such person as an arrear of land revenue.”;

(2) in sub-section (3),—

(a) for the word, brackets and figure “sub-section (2)” the words, brackets, figures and letter “sub-section (2) or sub-section (2A)”, and

(b) for the words “or projection” at both the places where they occur, the words “unauthorised cultivation of any crop” shall be substituted;

(3) after sub-section (3A), the following shall be inserted namely:—

“(3B) Any order made by the Collector in exercise of powers conferred on him under sub-section (2A) or (3) shall be subject to appeal and revision in accordance with the provisions of the Maharashtra Land Revenue Code, 1966.”. (Mah. XLI of 1966).

11. *Amendment of section 59 of Bom. III of 1959.*—In section 59 of the principal Act, in sub-section (1), the words “to which a survey of lands being lands not ordinarily used for the purpose only of agriculture, has been or is extended under any law for the time being in force” shall be deleted.

12. *Amendment of section 61 of Bom. III of 1959.*—In section 61 of the principal Act, in sub-section (2), for the words “make rules regulating” the words “make rules to regulate recruitment and” shall be substituted.

13. *Amendment of section 62 of Bom. III of 1959.*—In section 62 of the principal Act, in sub-section (2),—

(a) in the proviso, after the words “shall not have power” the words “either to disapprove the statement or” shall be inserted; and

(b) after the proviso, the following shall be added, namely:—

‘Provided further that, if a Panchayat Samiti fails either to approve such statement or to direct that the expenditure on any of the duties falling under section 45 be increased or decreased, within two months from the date of receipt of such statement, the statement shall be deemed to have been duly approved by the Panchayat Samiti.’.

14. *Insertion of new section 62A in Bom. III of 1959.*—In the principal Act, after section 62, the following new section shall be inserted, namely:—

“62-A. *Revised or supplementary budget.*—A Panchayat may at any time during the financial year for which any such statement has been approved as aforesaid cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the Panchayat Samiti in the same manner as if it were an original statement, and the provisions of section 62 shall apply in relation to such revised or supplementary statement”.

15. *Amendment of section 64 of Bom. III of 1959.*—In section 64 of the principal Act, in sub-section (2A), after the words “nominate a woman” the words “from amongst the members of Gram Sabhas for the villages which constitute a Nyaya Panchayat” shall be inserted.

16. *Amendment of section 65 of Bom. III of 1959.*—In section 65 of the principal Act, to sub-section (1), the following shall be added, namely:—

“The term of Office of a woman nominated under sub-section (2A) of section 64 shall expire with the term of the panchayat of the village

if she is a member of the Gram Sabha for that village”.

17. *Amendment of section 88 of Bom. III of 1959*—For section 88 of the principal Act the following shall be substituted, namely:—

“88 *Bar of jurisdiction of Courts in suits and cases.*—No Court shall entertain any suit specified in section 73 or take cognizance of any offence specified in section 75, unless it is satisfied that no *nyaya Panchayat* is functioning in any group of villages, or unless and until the District or the Sessions Court, as the case may be, has passed an order in writing under section 108 or 120, or for any sufficient cause otherwise directs.”.

18. *Amendment of section 129 of Bom. III of 1959*—In section 129 of the principal Act, in sub-section (7),—

(1) the words “through the village officers” at both the places where they occur shall be deleted;

(2) the words “For the recovery of such sums the village officers shall be remunerated by the *panchayat* in such manner as may be prescribed.” shall be deleted.

19. *Amendment of section 130 of Bom. III of 1959*—In section 130 of the principal Act,—

(1) after clause (b), the following new clause shall be inserted, namely:—

“(bb) any sum forming part of the village fund which has been stolen or misappropriated and any person prosecuted in that behalf has been duly acquitted.”;

(2) in the proviso, for the word, brackets and letter “clause (c)” the words, brackets and letter “clause (bb) or clause (c)” shall be substituted.

20. *Amendment of section 131 of Bom. III of 1959*—For section 131 of the principal Act, the following shall be substituted, namely:—

“131. *Grant of thirty per cent of average of land revenue, etc., to panchayats, subject to conditions.*—(1) Subject to the provisions of this section, every panchayat shall, after due appropriation made by law in this behalf, be entitled to receive every year a grant from the State Government of a sum equal to thirty per cent of the average of the amounts of the ordinary land revenue (including non-agricultural assessment) realised during each quinquennium commencing on the 1st day of April 1964 from lands within the limits of the Village Panchayats.

(2) A Panchayat, which during any financial year, fails to recover 30 per cent of the taxes and fees due to it in that year, shall not be entitled to receive any grant admissible under sub-section (1) during that year.

(3) A Panchayat, which during any financial year, recovers more than 30 per cent but less than 70 per cent. of the taxes and fees due to it in that year, shall be entitled to receive a sum equal to the percentage of the amount recovered during that year.

(4) A Panchayat, which during any financial year recovers 70 per cent or more of the taxes and fees due to it in that year, shall be entitled to receive the full amount of the grant admissible under sub-section (1) during that year.

(5) A Panchayat, which during any financial year, recovers the entire amount of the taxes and fees due to it in that year, shall also be entitled to receive from the State Government an incentive grant of a sum equal to 5 per cent of the total amount of taxes and fees so

recovered, from out of the sum not paid to panchayats under sub-section (2) or (3); and in case such sum falls short of the requirement, then from the Consolidated Fund of the State.

(6) The balance of the amount which is not paid to panchayats under sub-sections (2) and (3) shall be paid by the State Government to the respective Panchayat Samities as a block grant."

21. *Amendment of section 132A of Bom. III of 1959.*—For section 132A of the principal Act, the following shall be substituted, namely:—

"132A *Equalisation grant*—Where the amount of grant of land revenue payable to a panchayat under sub-section (1) of section 131 is found to be less than the amount arrived at on the basis of one rupee per capita of the population of the village, then that panchayat shall be entitled to an equalisation grant equal to the difference between the amount arrived at on a *per capita* basis and the amount payable to the panchayat under sub-section (1) of section 131; and such grant shall be made by the State Government

Explanation.—In this section the expression "population of the village" means the population of the village as ascertained at the last preceding census of which the relevant figures have been published."

22. *Amendment of section 133 of Bom. III of 1959.*—In section 133 of the principal Act, after the words "on contributions made by panchayats" the words "and with the sanction of the Commissioner, for meeting expenditure on staff engaged for operating the fund and on all charges incidental thereto, such as, printing, stationery, stamps and the like" shall be inserted.

23. *Amendment of section 140 of Bom. III of 1959.*—In section 140 of the principal Act, in sub-section (1), for the words "one month" the words "two months" shall be substituted.

24. *Amendment of section 160 of Bom. III of 1959.*—In section 160 of the principal Act, in sub-section (1), after clause (e), the following shall be inserted, namely:—

"(f) the person elected or nominated on the *Nyaya Panchayat* in relation to such *panchayat* which has ceased to exist shall cease to be the member of that *Nyaya Panchayat*, the new villages constituted as aforesaid shall be deemed to form part of the group of villages for which that *Nyaya Panchayat* is established, and the State Government shall appoint a person to the *Nyaya Panchayat* from amongst members of the *Gram Sabhas* of the new villages so constituted and the person so appointed on the *Nyaya Panchayat* shall hold office till a person or persons is or are duly elected or nominated under the provisions of Chapter VI on such *Nyaya Panchayat*."

25. *Amendment of section 176 of Bom. III of 1959.*—In section 176 of the principal Act, in sub-section (2), clause (xxxiii) shall be deleted.

26. *Amendment of section 182 of Bom. III of 1959.*—In section 182 of the principal Act,—

(1) in sub-section (1), the words "in respect of *Panchayats*" shall be and shall be deemed always to have been deleted;

(2) Any delegation made by the State Government under sub-section (1) of section 182 of the principal Act before the commencement of this Act shall be deemed to have been validly made and shall have effect for all purposes as if the delegation had been made under the principal Act as amended by this Act; and consequently, anything done or any action taken by the Commissioner or by any other officer in

pursuance of such delegation shall not be called in question in any court or before any authority or tribunal on the ground only that such delegation was illegally made;

(3) in sub-section (3),—

(a) for the words and figures "a Magistrate of the First Class exercising appellate jurisdiction under section 407 of the Code of Criminal Procedure 1898"(V of 1898) the words "any subordinate Court" shall be substituted;

(b) for the words "within the said jurisdiction of the Magistrate" the words "within the jurisdiction of that Court" shall be substituted.

27. *Amendment of Schedule 1 of Bom. III of 1959.*—In the principal Act, in Schedule I (Village List),—

"to entry 39, the words "; removal of unauthorized cultivation for any crop on any grazing land or any other land not being private property" shall be added".

Amendment of section 2 of Mah. V of 1962.—In section 2 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, Mah. 1961, (Mah. V of 1962) to clause (4), the following shall be added, namely:—

"or any sum paid as block grant under any law for the time being in force;"

The Maharashtra Appropriation Act, 1970.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 12th May 1970, was published in the *Maharashtra Govt. Gazette*, Ext. Part IV, No. 29, dated May 13, 1970/ vaisakha. 23, 1892.

Maharashtra Act No. XXVI of 1970.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1970

Whereas by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1971; and for the purpose of authorising payment of the said sums; It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Maharashtra Appropriation Act, 1970.

[Remaining text omitted—

Editor]

PART VII

Bihar Acts, Ordinances & Notifications, Bihar Govern- ment, Patna High Court & Bar Council

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Published in the *Bihar Gazette* Ext., dated December 5, 1969.

APPOINTMENT DEPARTMENT

The 29th November, 1969

No. III/H 2-107/69-A-7192.—The Governor of Bihar is pleased to notify that on the following days during the year 1970 or 1891-92 Saka Era which are not declared to be public holidays, the offices under the Government of Bihar and all the Revenue and Magisterial Courts in Bihar shall be closed :—

Schedule of holidays under the Executive order during the year 1970 or 1891-92 Saka Era.

Name of holidays	Number of days	Date according to Gregorian Calendar	Date according to Indian Calendar	Days of Week
1	2	3	4	5
Indu'z Zuha ... (Bakrid)	1	February 18	Magha 29	Wednesday
Shivaratri ...	1	March 6	Phalguna 15	Friday
Muharram ...	1	March 18	Phalguna 27	Wednesday
Holi ...	1	March 23	Chaitra 2	Monday
Sarhul ...	1	April 8	Chaitra 18	Wednesday
Ram Navami ...	1	April 15	Chaitra 25	Wednesday
Birth Day of Kaur Singh	1	April 23	Vaisakha 3	Thursday
Chehlum ...	1	April 28	Vaisakha 8	Tuesday
Fateha-Duma ... Dahum	1	May 18	Vaisakha 28	Monday
Budha Purnima ...	1	May 21	Vaisakha 31	Thursday
Dusahra and ... Lakshmi Puja	3	October 12, 13 and 15	Asvina 20, 21 and 23	Monday Tuesday and Thursday
Guru Nanaks... Birth Day and Kartika Purnima	1	November 13	Kartika 22	Friday
Christmas ... Eve	1	December 24	Pausa 3	Thursday

2. Mahavir Jayanti (April 19) and Dawant Puja (November 1) both fall on Sundays. Therefore these are not separately declared holidays

No. III/H.-2-107169-A 17191.—The 29th November, 1969—In exercise of the powers conferred by the explanation to Section 25 of the **Negotiable Instruments Act, 1881** (Act XXVI of 1881), read with the Government of India, Ministry of Home Affairs, Notification no. 20/25/56-Pub-1 dated the 8th June, 1957, the Governor of Bihar is pleased to declare the following days to be public holidays during the year 1970 or 1891-92 Saka Era :—

Schedule of holidays during the year 1970 or 1891-92 Saka Era.

Name of holidays	Number of holidays	Date according to Gregorian Calendar	Date according to Indian Calendar	Days of Week
1	2	3	4	5
New Year's Day	1	January 1	... Pausa 11	... Thursday
Guru Govind Singh's Birth-day	1	January 1	... Pausa 23	... Tuesday
Republic Day	1	January 1	... Magha 28	... Monday
Basant Panch-mi	1	February 10	... Magha 21	... Tuesday
Idu'z Zuha (Bakrid)	1	February 17	... Magha 28	... Tuesday
Muharram	1	March 19	... Phalguna 28	... Thursday
Holi	1	March 24	... Chaitra 3	... Tuesday
Good Friday	1	March 27	... Chaitra 6	... Friday
Half-yearly Closing of Banks	1	June 30	... Asadha 9	... Tuesday
Independence Day	1	August 15	... Sravana 24	... Saturday
Janamastmi	1	August 24	... Bhadra 2	... Monday
Mahatma Gandhi Birth day	1	October 2	... Asvina 10	... Friday
Durga Puja and Lakshmi Puja	5	October 7, 8, 9, 10 and 14	... Asvina 15, 16, 17, 18 and 22	... Wednesday, Thursday, Friday, Saturday and Wednesday
Deepavali (Diwali)	1	October 29	... Kartika 7	... Thursday
Chhat	1	November 5	... Kartika 14	... Thursday
Idu'l-Fitr	1	December 1	... Agrahayana 10	... Tuesday
Christmas Day	1	December 25	... Pausa 4	... Friday
Annual Closing of Bank Accounts	1	December 31	... Pausa 10	... Thursday

2. Sundays are public holidays under the Act.

Published in the *Bihar Gazette*, Ext., dated November, 30, 1969

G. S. R. 88—The 29th November, 1969.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), published under notification No. G. S. R. 1111, dated the 24th July 1967, the Governor of Bihar is pleased to make the following amendment in the **Bihar Essential Foodgrains Procurement Order, 1969**, published under notification No. G. S. R. 49, dated the 10th October 1969 of the Supply and Commerce Department, Government of Bihar in the *Bihar Gazette* (Extraordinary), dated the 13th October, 1969 namely :—

AMENDMENT

In the said Order—

(1) for the first proviso to clause 13, the following proviso shall be substituted, namely :—

“Provided that, in any case, a rice-miller including the owner of a single huller rice-mill shall not be liable to sell rice to the State Government or the Food Corporation of India either on the stock of rice produced on a wholesale dealer's account from the paddy purchased by the said wholesale dealer, or on the stock of rice converted from the paddy purchased from a wholesale dealer, if the ricemiller produces a certificate from the Assistant District Supply Officer to the effect that the said wholesale dealer has already sold to the Government the quantity of paddy procurable from him on that stock”;

(2) the first proviso to clause 17 shall be omitted ; and

(3) in the second proviso to clause 17, the word “further” shall be omitted.

The 29th November, 1969

S. O. 1100—In pursuance of the provisions contained in the second proviso to sub-clause (1) of clause 13 of the Bihar Essential Foodgrains Procurement Order, 1969, the Governor of Bihar is pleased to authorise the Collectors of the districts to fix the quantity of rice to be sold by rice-mills, falling within their respective jurisdictions, for the period from the 1st November, 1969 to the 31st October, 1970 in lieu of levy on percentage basis as prescribed in Government of Bihar, Supply and Commerce Department notification No. S. O. 983, dated the 28th October, 1969, on the terms and conditions noted below :—

(i) The quantity of rice in respect of a multi-huller rice-mill shall not be less than 800 quintals for each of the first three licensed hullers and 500 quintals for each additional licensed huller installed in the rice-mill, and shall not be more than forty per cent of the production of the concerned rice-mill during the period from the 1st November, 1968 to the 31st October, 1969 ;

(ii) The quantity of rice in respect of a single huller rice-mill shall not be less than 200 quintals and more than 800 quintals ;

(iii) The owner of a rice-mill shall execute an agreement in this regard in the form prescribed by the State Government ;

(iv) The quantity of rice delivered as percentage levy at the rate of 40 per cent of the daily production from the 1st November 1969 till the date of the execution of the aforesaid agreement will be adjusted against the quantity fixed under this Order ; and

(v) The total quantity of rice so fixed shall be completely delivered in one or more instalments, as may be ordered by the Collectors of the districts concerned and, in any case, latest by the 30th June, 1970.

Published in the *Bihar Gazette* Ext., Part II, dated
December, 31, 1969

S. O. 922.—The 9th October, 1969.—In exercise of the powers conferred by sub-section (1) of section 13 and sub-section (1) of section 14 of the **Bengal, Agra and Assam Civil Courts Act, 1887** (XII of 1887), and sub-section (3) of section 9 of the Code of Criminal Procedure, 1898 (V of 1898), and in modification of the orders issued in notification No. B/ESTT-6/59—585-J., dated the 25th January 1960, the Governor of Bihar is pleased to direct that—

(a) The Court of Additional District Judge of Singhbhum Judgeship shall now be held at Jamshedpur also for the disposal of business arising in the district of Singhbhum ;

(b) The Court of Additional Sessions Judge of Singhbhum Sessions Division shall now also hold its sittings at Jamshedpur for the disposal of such business as may arise within the local limits of Dhalbhum subdivision.

Published in the *Bihar Gazette*, Ext., dated November, 26, 1969

G. S. R. 86—The 26th November, 1969 —In exercise of the powers conferred by section 80 of the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948), the Governor of Bihar is pleased to make the following amendment to the **Bihar Panchayat Elections Rules, 1959**, the same having been previously published as required by the said section namely :—

AMENDMENT

For rule 90 of the said rules, the following rule shall be substituted, namely :—

“90. In case election of Panchayat is not held for some reason or the other within a period of six months from the date of filing of nomination papers or within such further period, not exceeding sixty days, as the District Magistrate may under special circumstances and in public interest, extend, by an order in writing the election shall be held after calling for fresh nomination papers.”

Published in the *Bihar Gazette* Ext., No. 529, dated December 10, 1969

No. STGL-AR-1011/69—11616-F.T.—The 25th November, 1969.—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the **Bihar Sales Tax Act, 1959** (Bihar Act XIX of 1959), the Governor of Bihar is pleased to make the following amendments in the Table appended to the Government of Bihar, Finance (Commercial Taxes) Department notification No. STGL-AR-1010/61—10592-F.T., dated the 17th August 1961, namely :—

AMENDMENTS

In the said Table—

(1) after serial No. 3 and its corresponding entries in columns 2 and 3, the following serial number and corresponding entries shall be added, namely :—

“8A. Additional Superintendent of Commercial Taxes, Intelligence Branch, Tirhut Division, Muzaffarpur.

Tirhut Division, Saharsa and Purnea districts of Bhagalpur Division, Khagaria and Begusarai subdivisions of the district of Monghyr and Nangachia, Thana Bihpur and Gopalpur Police-Stations of the district of Bhagalpur.”

(3) after serial no. 5 and its corresponding entries in columns 2 and 3, the following serial number and corresponding entries shall be added, namely :—

“5A. Additional Superintendent of Commercial Taxes, Intelligence Branch, Chotanagpur Division”,
Chotanagpur Division, Ranchi

2. These amendments shall be deemed to have come into force with effect from 1st June, 1969.

Published in the *Bihar Gazette*, Ext., No. 15, dated January 17, 1970.

G. S. R. 4.—The 14th January, 1970.—In exercise of the powers conferred by clause 11 of the **Bihar Foodgrains Dealers' Licensing Order, 1967**, the Governor of Bihar is pleased to exempt the Bihar State Warehousing Corporation from the operation of clause 3 of the said Order.

Published in the *Bihar Gazette*, Ext., No. 527, dated December 9, 1969.

No. STGL-AR-1010/69-11614-F.T —The 25th November, 1969—In exercise of the powers conferred by section 46 of the Bihar Sales Tax Act, 1959 Bihar Act XIX of 1959), the Governor of Bihar is pleased to make the following amendments in the **Bihar Sales Tax Rules, 1959** the same having been previously published, as required by sub-section (1) of the said section, namely :—

AMENDMENTS

In Appendix “A” of the said rules—

(i) for serial number 8 and its corresponding entries, the following serial number and corresponding entries shall be substituted namely :—

“8. Darbhanga ... Laheriasarai ... The whole of the district of D.R. Circle Darbhanga and the Police-Station of Nirmali excluding Halka nos. 5, 6, 7 and 8 in the Supaul Sub-division of the district of Saharsa ; and

(ii) for serial number 10 and its corresponding entries, the following serial number and corresponding entries shall be substituted namely :—

“10. Saharsa Circle . Saharsa ... The whole of the district of SA” Saharsa excluding Nirmali Police-Station in the Supaul Sub-division except Halka nos. 5, 6, 7 and 8.

2. This notification shall be deemed to have come into force with effect from the 1st January, 1970.

Published in the *Bihar Gazette*, Part II, dated December 3, 1969.

IN THE HIGH COURT AT PATNA.

No. 37/Accts.—The 29th September, 1969.—In exercise of the powers conferred by Clause (2) of Article 229 of the Constitution of India, the Chief Justice of the High Court at Patna, with the approval of the Governor of Bihar, is pleased to make the following further amendment in the **Bihar Travelling Allowance Rules** in so far as the said rules apply to the officers and the servants of the High Court, namely :—

AMENDMENT

In the ‘Notes’ below rule 144 (i) of the said rules ;

(i) in 'Note I' for the word and figure "Rs. 7" the word and figure "Rs. 10" shall be substituted ; and

(ii) In 'Note 2' for the words and figures "Rs. 2 and Rs. 5" and Rs. 7" the words and figures "Rs. 3 and Rs. 6" and "Rs. 10" shall be substituted respectively.

Published in the *Bihar Gazette* Ext., No. 455, dated October 13, 1969.

S. O. 912.—The 10th October, 1969.—In exercise of the powers conferred by sub-section (1) of section 19 of the **Minimum Wages Act, 1948** (Act XI of 1948) and in partial modification of Labour and Employment Department's notification S. O. 661, dated the 19th September, 1968, the Governor of Bihar is pleased to appoint the officers mentioned in column 2 of the Schedule hereto annexed to be the Inspectors for the purposes of the said Act, so far as it relates to any scheduled employment other than that in a factory and to direct that the said Inspectors shall exercise their function within the local limits of their respective jurisdiction as mentioned in column 4 of the Schedule with the headquarters as shown in column 3 of the Schedule against the designation of the officers.

SCHEDULE

Serial No.	Designation of officer	Headquarters	Local limits of jurisdiction
(1)	(2)	(3)	(4)
1	Assistant Commissioner of Labour Chotanagpur Division	Jamshedpur	... Districts of Ranchi, Singhbhum and Palamanu.
2	Assistant Commissioner of Labour, Bokaro Steel City, Maraphari	Bokaro Steel City, Maraphari	.. Districts of Hazaribagh and Dhanbad.
3	Labour Officer, Maraphari	Bokaro Steel City, Maraphari	... District of Dhanbad.
4	Labour Officer, Dhanbad	Dhanbad	... District of Dhanbad.

S. O. 914.—The 10th October, 1969.—In exercise of the powers conferred by sub-section (1) of section 19 of the **Minimum Wages Act, 1948** (Act XI of 1948), the Governor of Bihar is pleased to appoint the Assistant Commissioner of Labour, (Research) posted at headquarters to be Inspector for the purposes of the said Act so far as it relates to any scheduled employments other than those in a factory and to direct that the said Inspector shall exercise his function under the said Act in the whole of the Patna Division with his headquarters at Patna.

Published in the *Bihar Gazette*, Ext., No. 451, dated November 5, 1969.

No. STGL-AR-1003/69-9598-F. T.—The 10th September, 1969.—In exercise of the powers conferred by section 46 of the **Bihar Sales Tax Act, 1959** (Bihar Act XI X of 1959), the Governor of Bihar is pleased to make the following amendments in the Bihar Sales Tax Rules, 1959, the same having been previously published as required by sub-section (1) of the said section, namely:—

AMENDMENTS

In the said rules—

(i) for rule 27, the following rule shall be substituted, namely:—

"27. Conditions subject to which an accountant or sales tax practitioner may appear before any taxing authority—(1) An accountant may appear on behalf of any person before any authority appointed under section 8 provided he is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (XXXVIII of 1949).

(2) A sales tax practitioner representing any person before an authority appointed under section 8 shall be—

(a) a person who possesses a degree in Commerce, Law, Economics or Banking including Higher Auditing conferred by any Indian University incorporated by any law for the time being in force or any foreign University duly approved by the State Government or possessing such other qualifications, as may be recognised by the State Government in this behalf; or

(b) a former employee of the State Government with a minimum of five years of service in gazetted rank in the Commercial Taxes Department who, in the opinion of the Commissioner, is a fit and proper person to appear before any such authority as a sales tax practitioner.

(3) No sales tax practitioner shall be entitled to appear on behalf of any person before any authority appointed under section 8 unless his name stands enrolled in that behalf in a register in Form XXV maintained by the Commissioner.

(4) An application for enrolment for the purpose of sub-rule (2) shall be made in form XXVI to the Commissioner.

(5) On receipt of an application under sub-rule (4) the Commissioner shall, if he is satisfied about the *bona fide* and antecedents of the applicant register his name as an enrolled sales tax practitioner and shall grant to the applicant a certificate to that effect.

(6) If any enrolled sales tax practitioner is found by the Commissioner to have been guilty of misconduct in any proceedings before any authority appointed under section 8, the Commissioner may order that the name of such person be removed from the register in Form XXV:

Provided that—

(a) no such order shall be passed by the Commissioner without giving the sales tax practitioner a reasonable opportunity of being heard;

(b) the sales tax practitioner may, within one month of the passing of the order by the Commissioner, appeal to the Board against such order; and

(c) the Commissioner shall re-enter the name of such person in the register in Form XXXV if the Board set aside the order passed by the Commissioner

(7) The particulars contained in the register in Form XXV may, from time to time, be amended by the Commissioner, if any when necessary.

(8) An authorisation to sales tax practitioner for appearing on behalf of any person before any authority appointed under section 8, shall be in form XXVII, such authorisation shall be valid only in respect of the proceedings for which or in the course of which it has been given,"

(ii) for Form XXV, the following form shall be substituted, namely:—

"FORM XXV
Register for Sales Tax Practitioners Enrolled Under Bihar Sales Tax
Rules, 1959
 [See rule 27(3)]

Date of application for enrolment	Name of the applicant with father's name and permanent address	Date of enrolment	Enrolment number	Present address of the sales tax practitioner	Qualification of the sales tax practitioner	Signature of the Commissioner of Commercial Taxes	Date of amendment, if any	Nature of amendment
1	2	3	4	5	6	7	8	9

Signature of the Commissioner of Commercial Taxes	Date of removal of the name	Reason for removal	Signature of the Commissioner	Date of direction of the Board, if any, under rule 27 (6) (c) of the rules	Date of re-entry of name	Signature of the Commissioner of Commercial Taxes	Remarks
10	11	12	13	14	15	16	17

(iii) for Form XXVI, the following form shall be substituted, namely :—

"FORM XXVI
APPLICATION FOR ENROLMENT AS A SALES TAX
PRACTITIONER
 [See rule 27 (4)-]

To

The Commissioner of Commercial Taxes, Bihar, Patna.

Through,

The.....

..... Circle/Sub-Circle.

I..... (full name), son of (full name) of..... (full address) hereby apply for enrolment of my name as a sales tax practitioner under sub-rule (4) of rule 27 of the Bihar Sales Tax Rules, 1959.

I declare that I possess the undermentioned qualification specified in sub-rule (2) of rule 27 of the said rules :—

*(a) I have acquired the necessary educational qualification, namely of..... in the examination held at..... —in the month of..... of the year.

*(b) I possess the requisite qualification, namely..... which has been recognised by the Government of Bihar, in this behalf and for which I attach herewith an attested copy of

*(c) I am a former employee of the Government of Bihar with a minimum of five years of service in a gazetted rank in the Commercial Taxes Department. At the time of relinquishing I held the post of.....

VERIFICATION

I do hereby declare that the above statements are correct and complete to the best of my knowledge and belief.

Place..... Signature.....
 Date..... Permanent address.....
 Present address (if different
 from permanent address)...

ACKNOWLEDGEMENT

Received on an application in Form XXVI from.....
 for enrolment as a sales tax practitioner, under rule 27(4) of the Bihar
 Tax Rules, 1959.

Signature.....
 Designation.....

*Strike out whichever is not applicable.

(iv) for Form XXVII, the following form shall be substituted
 namely :—

"FORM XXVII

**Authorisation of Sales Tax Practitioner to appear on behalf of
 any person before any Authority appointed under section
 8 of the Bihar Sales Tax Act, 1959.**

[See rule 27 (8)]

I,.....(full name), son of.....(full name) of
 (full address), being a registered dealer, holding registration certificate
 no.....on behalf of.....(dealer) holding
 registration certificate no.....do hereby authorise Shri.....
 Sales Tax Practitioner to represent *me/us in and to produce accounts
 registers documents connected with the *assessment/re-assessment/
 penalty/miscellaneous/appeal/revision/review proceedings for the period
 from.....to..... before the.....of Commercial
 Taxes.....*Circle/Sub-Circle/Division and whatever explana-
 tions or statements he gives or makes on *my/our behalf will be binding
 on *me/us.

Place.....*Signature

Date..... Status in relation to the dealer.

*Strike out whichever is inapplicable.

*The authorisation shall be signed by the proprietor of the business,
 if an individual ; by the karta, if undivided Hindu family ; by an autho-
 rised partner in the case of a firm ; by a managing director, managing
 agent or principal executive officer in the case of a company or corpora-
 tion ; by the principal executive officer or officer incharge in the case
 of a society, club, association, department of Government or local autho-
 rity ; or by the Manager declared under section 10 by any one of these.

I,.....(name) do hereby declare that I am qualified
 Sales Tax Practitioner duly enrolled under rule 27 of the Bihar Sales
 Tax Rules, 1959, and that I agree to attend on behalf of the above
 mentioned *dealer/person and that I shall state the facts correctly and
 completely and give the explanations to the best of my knowledge and
 belief.

Place.....Signature.....

Date..... Enrolment no.....

Note.—This should be on a non-judicial stamped paper of appro-
 priate value."

2. This notification shall come into force with effect from the 1st of October, 1969.

*Strike out whichever is inapplicable.

Published in the *Bihar Gazette*, Ext., No. 494, dated November 20 1969.
The 7th October, 1969.

G. S. R. 67.—The following draft of an amendment to the Bihar Canals Irrigation Rules, which the Governor of Bihar proposes to make in exercise of the powers conferred by section 99 of the **Bengal Irrigation Act, 1876** (Bengal Act III of 1876), is hereby published, as required by the proviso to the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft should be taken into consideration after the expiry of one month from the date of its publication in the Bihar Gazette.

Any objection or suggestion with respect to the said draft which may be received from any person on or before the date of expiry of the said period of one month will be duly considered by the State Government.

AMENDMENT

For rule 36 of the said Rules, the following rule shall be substituted, namely :—

“36. (1) The rates payable for supply of water for irrigation shall be fixed by the State Government from time to time by notification issued in this behalf and published in the Bihar Gazette and the rates shall come into force on the expiry of forty five days from the date of publication of the notification in the Gazette

(2) For the purpose of calculating the rates mentioned in sub rule (1), an area less than one decimal shall be charged as one decimal, and an amount less than three paise shall be omitted and an amount varying from three paise to five paise shall be charged as five paise.”

Published in the *Bihar Gazette* Ext., No. 442, dated October 29, 1969.

No. STGL-E-1013/69-9926-F.T.—The 19th September, 1969.—In exercise of the powers conferred by clause (b) of sub-section (3) of section 4 of the **Bihar Sales Tax Act, 1959** (Bihar Act XIX of 1959), the Governor of Bihar is pleased to exempt from the levy of both “general sales tax” and “special sales tax”, sales of such raw materials to the owner of newly set up small-scale industrial unit approved and registered by the Industries Department of the Government of Bihar for a period of five years from the date the industry starts its production as are specified in the certificate in Form “B” (appended hereto), obtained by him from the Assistant Commissioner/Superintendent of the Circle where the industry is established, after filing an application in Form “A” (appended hereto), and are required by him directly for use in the manufacture of goods for sale, subject to the conditions that—

(a) the owner of the industry furnishes to the registered dealer from whom goods are purchased, a declaration in Form “C” appended hereto and such a declaration shall be issued from bound books bearing printed book number and declaration number with counterfoils; and,

(b) the selling dealer produces necessary evidence, including the true declaration in Form “C” received by him from the owner of the industry.

FORM A—APPLICATION FOR CERTIFICATE FOR EXEMPTION OF TAX TO NEW SMALL SCALE INDUSTRY

To

The Assistant Commissioner/Superintendent,.....Circle.
I,..... (full name), son of..... (full name),
hereby apply for the grant of a certificate in terms of Government of
Bihar, Finance (Commercial Taxes) Department notification no. STGL-
E-1013/69—9926-F-T., dated the 19th September, 1969 and furnish the
following particulars for that purpose :—

1. (a) Name and full address of the applicant.
- (b) Registration certificate no., if any under the Bihar Sales
Tax Act, 1959.

Central Sales Tax Act, 1956.

2. Name and style of the person, firm, company, corporation
or concern, which intends to establish the business registration
number allotted by the Industries Department, Government
of Bihar.

3. Status of the applicant (write here individual firm,
company, corporation, concern, as the case may be).

4. Nature of the industry established—

5. Location of the place where the business of manufac-
turing is established.

(a) Holding no.—

(b) Mahalla/Road—

(c) Village/Town—

(d) Post Office—

(e) Police-station—

(f) Sub-division—

(g) Name of the owner of the premises where the business is
established.

6. Address of the head office, if any—

7. Particulars of raw materials required directly for use in
manufacture of goods for sale—

Name of raw materials

Purpose for which required

1

2

8 Particulars of goods intended to be manufactured for sale.

9. Particulars of all persons having interest in the business
established—

Serial No.	Name	Father's/ Husbands name	Permanent address	Nature and extent of interest	Signature of the person named in column 2.
1	2	3	4	5	6

10. Particulars of all immovable properties owned by all
persons having interest in the business established—

Name of the person having interest in the business	Description of properties owned	Location of properties (khata no., khasra no., holding no., road, mahalla, post office, police-station, subdivision district).	Nature and extent of interest in the property	Estimated value of such interest.
1	2	3	4	5

11. Books of accounts ordinarily maintained.
12. Language and script in which accounts are maintained.
13. Names of banks through which transactions are ordinarily carried on by the applicant.
14. Particulars relating to registration, licence, permit, etc., granted under any law for the time being in force.
15. Particulars of loan, if any, taken for establishing the business (e. g. from Industries Department, Industrial Development Corporation, Financial Development Corporation, etc.).

Verification

I do hereby declare that the particulars furnished in this application are correct and complete to the best of my knowledge and belief and that the industry has been established and production shall start with effect from.....

Place.....

*Signature of the applicant.....

Date.....

Status in relation to the dealer...

Permanent address.....

*The application shall be signed by the proprietor of the business, if an individual ; by an authorised partner in the case of a firm ; by a managing director, managing agent or principal executive officer in the case of a company or corporation or concern.

FORM B—CERTIFICATE OF NEW SMALL SCALE INDUSTRIES FOR EXEMPTION OF TAX

(See Government of Bihar, Finance (Commercial Taxes) Department: notification No. STGL-E-1013/69—9926, dated the 19th September, 1969.)

Office of the..... of commercial taxes,.....

Certificate no... .. dated

This is to certify that sales to..... of raw materials as specified in item 4 below, shall be exempted from the levy of both general sales tax and special sales tax.

2. This certificate is valid up to the... .. 19..... ..

Particulars

1. Name and full address of the holder of the certificate (write also the registration certificate number, if the certificate holder is a dealer registered under the Bihar Sales Tax Act, 1959/ the Central Sales Tax Act, 1956).

2. Name and style of the business of the holder of the certificate.

3. Complete list of location of premises where the manufacture is carried on—

Serial no.	Holding no.	Mahalla/Road, Village/ Town Post office, Police-station and Subdivision.	Name of the owner of the premises.	Remarks.
1	2	3	4	5

4. Particulars of raw materials the sales of which to the holder of this certificate will be exempt from the levy of both "general sales tax" and "special sales tax"—

Description of goods.	Particular purposes of which required.
1	2

5. Amendment in respect of goods mentioned in item 4 (Mention here the name of goods added or deleted)—

Added.		Deleted.	Date from which the amendment takes effect.	Signature and designation of authority.
Particulars of goods.	Particular purpose for which required.			
1	2	3	4	5

6. Status of the holder of the certificate (write here person, firm, company, corporation or concern, as the case may be).

7. Location of the place of business—

(a) Mahalla/Road—

(b) Village/Town—

(c) Post office—

(d) Police-station—

(e) Subdivision—

(f) District—

(g) Name of the owner of the premises—

8. Location of the place (s) where the business of manufacturing is established.

Serial no.	Holding no.	Mahalla/Road, Village/ Town, Post Office, Police-station and Sub-division	Name of the owner of the premises where the business is established.	Remarks.
1	2	3	4	5

Date of issue..... Signature.....
Place..... Designation.....

[Form C omitted.

Editor]

Explanation—(1) "Small scale industry" means an industrial unit with an investment up to Rs.7.5 lacs on plant and machinery excluding

the value of land and building and is approved and registered by Industries Department of Government of Bihar.

(2) "newly set up small scale industrial units" include such units which have already been set up but have not yet completed a period of 5 years from the date of starting production.

2. This notification shall remain in force from the 10th June, 1969 to the 31st March, 1974.

Published in the *Bihar Gazette* Ext., No. 522. dated
December 8, 1969

G. S. R. 90.—The 2nd/3rd December 1966.—In exercise of the powers conferred by section 189 of the **Bihar Tenancy Act, 1885**, (Act VIII of 1885,) the Governor of Bihar is pleased to make the following amendment to the Rules framed under the said Act, the same having been previously published as required by section 190 of the said Act:—

AMENDMENTS.

In the said Rules —

(i) to rule 84, the following proviso shall be *added*, namely:—

"Provided that where the application is filed by or on behalf of the State Government, and the Revenue Officer, for reasons to be recorded in writing, is of opinion that service of notice on every person interested in the application is not possible, he shall, at least one week previous to the date fixed for settlement of fair rents, serve a notice in Form 18A in Schedule I by proclamation and beat of drum and by posting it, in the presence of not less than two persons, in some conspicuous place in the village comprising the land under settlement"; and

(ii) *after* Form 18 in Schedule I, the following Form shall be *inserted*, namely:—

"FORM 18A"

Notice for service on persons interested in an application made by or on behalf of the State Government for settlement of a fair rent.

[See Rule 84 (Proviso)]

Notice to the raiyats, under-raiyats and occupants—

Village—

Pargana—

Thana—

District—

Thana no,—

or Revenue Survey no—

Take notice that on.....at.....I shall, on an application made by or on behalf of the State Government proceed to fix fair and equitable rents for all the tenants of the abovementioned village.

All persons interested or concerned are called upon to attend at the place named above on the date specified.

Published in the *Bihar Gazette* Ext., No. 32, dated
February 3, 1970.

G.S.R. 13.—The 2nd February 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), published under notification no. G.S.R. 1111, dated the 24th July 1967, the Governor of Bihar is pleased to make the following amendment in the **Bihar Essential Foodgrains Procurement Order 1969**, published under notification no. G.S.R. 69, dated the 10th October, 1969, of the Supply and Commerce Department, Government of

Bihar in the *Bihar Gazette* (Extraordinary), dated the 13th October 1969, namely:—

AMENDMENT.

In the said order—

(1) For the first proviso to clause 13, the following proviso shall be *substituted*, namely:—

“Provided that, in any case, a rice-miller including the owner of a single huller rice-mill shall not be liable to sell rice to the State Government or the Food Corporation of India on the stock of rice produced on a wholesale dealer's account from the paddy purchased by the said wholesale dealer, if the rice-miller produces a certificate from the Assistant District Supply Officer to the effect that the said wholesale dealer has already sold to the Government the quantity of paddy procurable from him on that stock”;

(2) Before the first proviso to clause 17, the following proviso shall be inserted, namely:—

“Provided that a wholesale dealer shall not be liable to sell paddy to the State Government or the Food Corporation of India on such stock of paddy as may be purchased from him by a rice-miller including the owner of a single huller rice mill, for conversion into rice, and the said rice-miller shall be liable to sell to Government the procurable share of rice on the stock of rice produced from the paddy thus purchased by him, as provided under sub-clause (1) of clause 18”; and

(3) In the first proviso to clause 17, after the word “provided”, the word “further” shall be inserted.

Published in the *Bihar Gazette*, Ext., No. 24, dated January 24, 1970.

G.S R. 6.—The 22nd January 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), published under notification no. G.S.R.-1111, dated the 24th July, 1967, the Governor of Bihar is pleased to make the following amendment in the **Bihar Essential Foodgrains Procurement Order, 1969**, published under notification No. GS.R.-69, dated the 10th October, 1969, of the Supply and Commerce Department, Government of Bihar in the *Bihar Gazette* (extraordinary), dated the 13th October, 1969, namely:—

Amendment.

In the said Order, after the first proviso to clause 17, the following proviso shall be added:—

“Provided further that, in lieu of sale of paddy and rice by a wholesale dealer to the State Government or the Food Corporation of India on percentage basis, the State Government may, by order, direct him to sell to the State Government or the Food Corporation of India, at such rates as may be fixed by the State Government and published in the *Bihar Gazette* from time to time, such quantity of rice and in such periodic instalments as may be fixed by the State Government or the Collectors of the Districts in this behalf, on the basis of the total acquisition of rice and paddy by the wholesale dealer during the periods from the 1st November, 1968 to the 31st October, 1969 and any other factor which may be considered appropriate by the State Government or the Collector, as the case may be.”

Published in the *Bihar Gazette*, Ext., No. 538, dated December 15, 1969.

G.S.R. 94.—The 13th December 1969.—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955) read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), published under notification No. G.S.R. 1111, dated the 24th July 1967 the Governor of Bihar is pleased to make the following amendment in the Supply and Commerce Department's notification No. 12084-S. C., dated the 30th June 1966, published in the Extra-ordinary issue of the Bihar Gazette, dated 30th June 1966, namely:—

Amendment.

In the said notification,—

after clause (ii) of the proviso, the following clause shall be added, namely:—

“(iii) nothing in this Order shall apply to carriage of any rice to any place within the local areas of Arrah Municipality or Chapra Municipality from one place within the State of Bihar”.

Published in the *Bihar Gazette* Ext., No. 107, dated March 13, 1970

S. O. 214.—The 11th March 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Bihar Urban Land Tax Act, 1965** (Bihar Act V of 1966), the Governor of Bihar is pleased to appoint the 1st of April 1970 as the date on which the Act shall come into force in the following towns namely:—

- (1) Patna,
- (2) Ranchi,
- (3) Bhagalpur,
- (4) Muzaffarpur, and
- (5) Jamshedpur,

Published in the *Bihar Gazette*, Ext., No. 65, dated February 14, 1970.

No. LS/A-601/70—1666.—The 12th February 1970.—In exercise of the powers conferred by clause (e) of section 2 of the **Bihar Sales Tax Act, 1959** (Bihar Act XIX of 1959), the Governor of Bihar is pleased to direct that Sri Jamuna Ram, Deputy Commissioner of Commercial Taxes, Bihar, Patna shall exercise and perform the powers and duties conferred or imposed upon the Commissioner of Commercial Taxes, under section 33 of the said Act.

Published in the *Bihar Gazette*, Ext., No. 95, dated March 12, 1970.

The Bihar Land Rent (Exemption from Payment) Ordinance, 1970
Bihar Ordinance No. 1 of 1970

An Ordinance to provide for exemption from payment of land rent in certain cases in the State of Bihar.

Preamble.—Whereas the legislature of the State of Bihar is not in session;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to make law providing for exemption from payment of land rent in certain cases in the State of Bihar:

Now, therefore, in exercise of the powers conferred by clause (1) of Article 218 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Bihar Land Rent (Exemption from Payment) Ordinance, 1970.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date and in such area as the State Government may, by notification in the Official Gazette, appoint, and it may appoint different dates for different areas.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "State" means the State of Bihar ; and

(b) words and expressions used in this Ordinance but not defined in this Ordinance, shall have the same meanings as are respectively assigned to them in the tenancy law of the area concerned.

3. *Exemption from payment of land rent in certain cases.*—No raiyat shall, on account of the use and occupation of land for agricultural or home-stead purpose held by him in any agricultural year under the State, be liable to pay rent if the total area of land held by him at no time during that agricultural year exceeds—

(a) two and a half acres of land irrigated by flow irrigation work, lift irrigation work or tube-well owned, constructed, maintained, improved or controlled by the Central or the State Government or by a body corporate constituted under any law, or by tube-well owned or maintained by a raiyat ; or

(b) five acres of other land ;

Explanation I—A land shall be deemed to be irrigated by such flow irrigation work, lift irrigation work or tube-well if it is ordinarily capable of being irrigated from such source notwithstanding that such irrigation is not enjoyed owing to any action or inaction on the part of the raiyat of such land.

Explanation II—For the purposes of this section one acre of land mentioned in clause (a) shall be deemed to be equivalent to two acres of land mentioned in clause (b).

4. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules, not inconsistent with the provisions of this Ordinance, to carry out the purposes of this Ordinance.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, as occasion may require by order, do anything not inconsistent with the provisions of this Ordinance or the rules made thereunder, which appears to

it necessary for the purpose of removing the difficulty.

Dated the 12th March, 1970.

NITYANAND KANUNGO,
Governor of Bihar.

Published in the *Bihar Gazette*, Ext., No. 220, dated May 7, 1970.

S. O. 374.—The 5th May, 1970—In exercise of the powers conferred by sub-clause (1) of clause 21 of the **Bihar Essential Foodgrains Procurement Order, 1969**, the Governor of Bihar is pleased to exempt, with effect from 3rd May, 1970, rice or paddy imported into Bihar from any place outside the State of Bihar from the operation of the said Order.

Published in the *Bihar Gazette*, Ext., No. 290, dated April 29, 1970.

G. S. R. 25.—The 29th April, 1970—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955), read with Order of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), published under notification No G. S. R. 1111, dated the 24th July, 1967, the Governor of Bihar is pleased to make the following amendment to the **Bihar Foodgrains Dealers Licensing Order, 1967**, namely :—

AMENDMENT

1. In the said Order—
for Schedule I, the following Schedule shall be substituted, namely :—

"SCHEDULE I

1. Wheat.
2. Paddy (rice in husk).
3. Rice (hushed).
4. Maize.
5. Barley.
6. Gram.
7. Masur.
8. Urad.
9. Moong.
10. Arhar.
11. Peas.
12. All kinds of pulses whether whole or split, but excluding pulses of kurthi and khesari."

2. This Order shall come into force with immediate effect.

Published in the *Bihar Gazette* Ext., No. 290, dated May 9, 1970

The Bihar Tenancy Laws (Amendment) Ordinance, 1970.

Bihar Ordinance No. II of 1970.

An Ordinance to amend the Bihar Tenancy (Amendment) Act, 1955, the Chotanagpur tenancy (Amendment) Act, 1955 and the Santal Parganas Tenancy (Supplementary Provisions) (Amendment) Act, 1955.

Preamble.—Whereas the Legislature of the State of Bihar is not in session ;

And whereas the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Tenancy (Amendment) Act, 1955 (Bihar Act XIX of 1955), the Chotanagpur Tenancy (Amendment) Act, 1955 (Bihar Act XX

of 1955) and the Santal Parganas Tenancy (Supplementary Provisions) (Amendment) Act, 1955 (Bihar Act XXI of 1955), in the manner herein-after appearing ;

Now therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title*.—This Ordinance may be called the Bihar Tenancy Laws (Amendment) Ordinance, 1970.

PART I

Amendment to the Bihar Tenancy (Amendment) Act, 1955.

2. *Amendment of section 21 of Bihar Act XIX of 1955*.—For sub-section (2) of section 21 of the Bihar Tenancy (Amendment) Act, 1955 (Bihar Act XIX of 1955), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(2) The amendment made by sub-section (1) shall cease to have effect after the 31st March, 1975, and section 8 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917) shall apply on the expiry of this amendment.”

PART II

Amendment to the Chotanagpur Tenancy (Amendment) Act, 1955.

3. *Amendment of section 7 of Bihar Act XX of 1955*.—For sub-section (2) of section 7 of the Chotanagpur Tenancy (Amendment) Act, 1955 (Bihar Act XX of 1955), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(2) The amendment made by sub-section (1) shall cease to have effect after the 31st March, 1975, and section 8 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917) shall apply on the expiry of this amendment.”

PART III

Amendment to the Santal Parganas Tenancy (Supplementary Provisions) (Amendment) Act 1955.

4. *Amendment of section 4 of Bihar Act XXI of 1955*.—For sub-section (2) of section 4 of the Santal Parganas Tenancy (Supplementary Provisions) (Amendment) Act, 1955 (Bihar Act XXI of 1955), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(2) The amendment made by sub-section (1) shall cease to have effect after the 31st March 1975, and section 8 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917) shall apply on the expiry of this amendment.”

NITYANAND KANUNGO,

The 7th May, 1970

Governor of Bihar.

Published in the *Bihar Gazette*, Ext. No. 99, dated May 12, 1970.

S. O. 218.—The 10th March 1970.—In exercise of powers conferred by clause 4 of the **Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1969**, the Governor of Bihar is pleased to authorise all the District Magistrates of the State of Bihar to issue permit to move wheat products to any place in the Zonal border area of the State from any place, outside that area, within the local limits of their respective jurisdiction.

S. O. 210.—The 10th March 1970.—In exercise of the powers conferred by clause 4 of the **Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1969**, the Governor of Bihar is pleased to

authorise all such Block Development Officers as have jurisdiction in the Zonal Border area of the State to issue permit to move wheat or wheat products from one place to another in that area within their respective jurisdiction.

S. O. 212.—The 10th March 1970.—In exercise of the conferred by clause 7 of the **Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1969**, the Governor of Bihar is pleased to direct that the powers under the said clause may be exercised by any Magistrate, District Supply Officer, Assistant District Supply Officer, Assistant Rationing Officer, Marketing Officer of Supply and Commerce Department, or Assistant Marketing Officer of Supply and Commerce Department, Supply Inspector or Circle Inspector (Revenue) within the local limits of their respective jurisdiction.

2. This notification shall be deemed to have come into force with effect from the 16th April 1969.

Published in the *Bihar Gazette* Ext. No. 73, dated February 21, 1970.

S. O. 145.—The 13th February 1970.—In exercise of the powers conferred by sub-section (2) of section 11 of the **Minimum Wages Act, 1948** (11 of 1948), the Governor of Bihar is pleased to authorise the payment of minimum rates of wages wholly in kind in the employment in agriculture and in operations ancillary to agriculture in the whole of the Chotanagpur Division.

The Bihar Land Rent (Exemption from Payment) Act, 1970.

The following Act of the Bihar Legislature which was passed and assented to by the Governor, on 15th April 1970 was published in the *Bihar Gazette*, Ext., No. 281, dated May 20, 1970.

Bihar Act III of 1970.

An Act to provide for exemption from payment of land rent in certain cases in the State of Bihar.

Be it enacted by the Legislature of the State of Bihar in the Twenty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Land Rent (Exemption from Payment) Act, 1970.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date and in such area as the State Government may, by notification in the Official Gazette, appoint, and it may appoint different dates for different areas.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "State" means the State of Bihar; and

(b) words and expressions used in this Act but not defined in this Act, shall have the same meanings as are respectively assigned to them in the tenancy law of the area concerned.

3. *Exemption from payment of land rent in certain cases.*—No raiyat shall, on account of the use and occupation of land for agricultural purpose held by him in any agricultural year under the State, be liable to pay rent if the total area of land held by him at no time during that agricultural year exceeds—

(a) two and a half acres of land irrigated by flow irrigation work, lift irrigation work or tube-well owned, constructed, maintained, improved or controlled by the Central or the State Government, or by a

body corporate constituted under any law, or by tube-well owned or maintained by a raiyat; or

(b) five acres of other land.

Explanation I—A land shall be deemed to be irrigated by such flow irrigation work, lift irrigation work or tube-well if it is ordinarily capable of being irrigated from such source notwithstanding that such irrigation is not enjoyed owing to any action or inaction on the part of the raiyat of such land.

Explanation II.—For the purposes of this section one acre of land mentioned in clause (a) shall be deemed to be equivalent to two acres of land mentioned in clause (b).

4. *Power to make rules*.—(1) The State Government may, by notification in the Official Gazette, make rules, not inconsistent with the provisions of this Act, to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. *Power to remove difficulties*.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to it necessary for the purpose of removing the difficulty.

6. *Repeal and saving*.—(1) The Bihar Land Rent (Exemption from Payment) Ordinance, 1970 (Bihar Ordinance No. 1 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act, were in force on the day on which such thing or action was done or taken.

Published in the *Bihar Gazette* Ext. No. 63, dated February 23, 1970

S. O. 135.—The 12th February 1970.—In exercise of the power conferred by sub-section (4) of section 29 of the Bihar Shops and Establishments, Act, 1953 (VIII of 1954) and in partial modification of Government notification no. S. O. 786, dated the 30th October 1958, the Governor of Bihar is pleased to appoint the Officer noted in column 2 of the Schedule hereto annexed to be the Additional Inspecting Officers for the purposes of the said Act, within the local limits as mentioned against their names in column 4 of the Schedule with their head quarters as shown in column 3 thereof.

SCHEDULE

Serial No.	Officers	Head quarters	Local limits of jurisdiction
1.	Assistant Commissioner of Lohar Pargana	Patna	Patna Division.

- | | | | |
|----|--|-------------------|--|
| 2. | Assistant Commissioner of Labour, Bokaro Steel City (Maraphari). | Bokaro Steel City | Hazaribagh and Dhanbad districts of Chotanagpur Division. |
| 3. | Assistant Commissioner of Labour, Jamshedpur. | Jamshedpur | Singhbhum, Ranchi and Palamanu districts Chotanagpur Division. |
| 4. | Superintendent of Labour, Hazaribagh. | Hazaribagh | Hazaribagh District. |
| 5. | Superintendent of Labour Dhanbad | Dhanbad. | Dhanbad District. |

Published in the *Bihar Gazette*, Ext., dated November 9, 1970.

G. S. R. 79.—*The 28th October, 1969.*—In exercise of the powers conferred by section 38 of the Bihar Gramdan Act, 1965 (Bihar Act IV of 1965), the Governor of Bihar is pleased to make the following amendments to the Bihar Gramdan Rules, 1966, published with the Revenue Department notification No. 6455-L. R., dated the 5th August, 1966 in the extraordinary issue of the Bihar Gazette, dated the 28th September, 1966.

AMENDMENTS

In the said Rules—

(1) for the existing sub-rule (4) of rule 3, the following sub-rule shall be substituted, namely :—

“(4) The Chairman shall as soon as possible, but not later than three months from the date of receipt of the declaration, publish a copy of the same along with a notice in Form III by affixing it at a conspicuous place in the village to which it relates and in the office of the Gram Panchayat, if any, within whose local limits the donated land is situated.”

(1) to sub-rule (1) of rule 6, the following proviso shall be added, namely :—

“Provided that where total area of the village/tola to be filled in column 5 of Form VIII is not available within a reasonable time the column may be left blank.”

(2) In sub-rule (3) of rule 6, for the word and figures “Form VI” the word and figures “Form VIII” shall be substituted.

(4) for the existing rule 8, the following rule shall be substituted, namely:—

“8. *Manner of enquiry by the Chairman.*—On the date fixed for hearing or on any adjourned date, the Chairman shall, after hearing the declarant if necessary, and the objector and after taking into consideration such evidence as may be adduced and after making such further enquiry as may be deemed necessary, either confirm or refuse to confirm the declaration.”

(5) after the existing Form III in the Schedule, the following form shall be inserted, namely:—

“FORM IIIA.

NOTICE OF DECLARATION UNDER SECTION 5.

[See rule 4 (3)]

For publication in village.....thana no.....
anchal.....district.....

It is hereby published for general information that Shri/Smt
.....son/daughter/wife of.....
....., resident of village/tola.....
....., anchal....., district.....

has joined Gramdan as given in the declaration of Form IV, annexed herewith.

All persons interested in the said declaration are requested to submit their objection, if any, before the undersigned within thirty days of the date of publication of the notice.

Published on.....

Signature.....

Designation.....

Location of office.....

(6) for the existing serial no (6) of Form VIII in the Schedule, the following shall be substituted, namely:—

“(6) Total area of land held by resident owners,” and.

(7) for the existing Form IX in the Schedule, the following form shall substituted, namely:—

“FORM IX.

DECLARATION OF GRAMDAN VILLAGE.

[See rule 6(5)]

NOTIFICATION.

In exercise of the powers conferred by section 8 of the Bihar Gramdan Act 1965 (Bihar Act IV of 1966) read with sub-rule (5) of rule 6 of Bihar Gramdan Rules, 1966, I, .../Chairman appointed under section 4 of the Bihar Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954), /to whom the power has been delegated under the Bihar Gramdan Act, 1965 (Bihar Act IV of 1966) by the Chairman of the Bihar Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954), do hereby declare the following villages/tolas (part villages) described in column no. 3 appertaining to revenue villages described in column no. 2 whose thana, anchal and district is described in column no. 5 and boundary in column no. 6 of the Schedule hereto annexed, as Gramdan villages with effect from the.....196 .

Full address.

Serial no	Revenue village.	Declared Gramdan village/ Tola or part village.	Thana no.	Thana	Circle	District	Boundary
1	2	3	4	5	6	7	8

Chairman/person to whom the power has been delegated by the Chairman.

Published in the *Bihar Gazette*, Ext., No. 261, dated May 27, 1970.

S. O. 439.—The 16th May, 1970 —In exercise of the powers conferred by sub rule (1) of rule 22 of the Bihar Shops and Establishments Rules, 1955, read with section 40 of the Bihar Shops and Establishments Act, 1953 (Bihar Act VIII of 1954), the Governor of Bihar is pleased to authorise the Assistant Commissioner of Labour (Research), Bihar, Patna to receive and hear applications under the said section within the local limits of the districts of Patna, Gaya and Shahabad.

2. His headquarters will be at Patna.

The Bihar Appropriation (Vote on Account) Act, 1970.

The following translation of the Act, which was assented to by the Governor on 20th March, 1970, was published in the *Bihar Gazette*, Ext., No. 258, dated May 23, 1970.

Bihar Act No. I of 1970.

An Act to provide for the withdrawal of certain sums from and out of the consolidated fund of the State of Bihar for the service of a part of the year beginning on the First day of April, 1970.

[Remaining text omitted.]

Editor.]

The Bihar Appropriation Act, 1970.

The following English translation of the Act, which was assented to by the Governor on 31st March, 1970, was published in the *Bihar Gazette*, Ext., No. 250, dated May 25, 1970.

Bihar Act II of 1970.

An Act to authorise payment and appropriation of certain further sums from and out of the consolidated fund of the State of Bihar for the service of the year ending on the Thirty-First day of March, 1970.

(Remaining text omitted.)

Editor.)

Published in the *Bihar Gazette*, Part II, No. 45, dated November 19, 1969.

S. O. 979.—The 11th October, 1969.—In exercise of the powers conferred by section 87 of the *Employees State Insurance Act, 1948* (34 of 1948), the Governor of Bihar is pleased to exempt for a further period of one year up to and inclusive of 30th September, 1969, from the operation of the said Act, except Chapter V-A thereof, every factory—

(a) which is situated in any areas in which Chapters IV and V of the said Act are in force, and

(b) which is exclusively engaged in one or more of the manufacturing processes specified in column 1 of the Table annexed hereto or any other manufacturing process which is incidental to or connected with any of the aforesaid processes, or in any other manufacturing process carried on in a seasonal factory of the nature referred to in clause (12) of section 2 of the said Act, subject to the conditions specified in the corresponding entry in column 2 of the said Table.

TABLE

Name of the manufacturing process 1	Conditions 2
1. Redrying the manufactured leaf tobacco.	
2. Rice milling	
3. Cold Storage.	
4. Salt manufacture	
5. Oil mills	Provided that the process of Oil Milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than 50.
6. Ice manufacturing.	

Published in the *Bihar Gazette* Ext., No. 314, dated June 23, 1970.
S. O. 569.—The 18th June 1970.—In pursuance of sub-clause (b) of clause (2) of the Wheat Roller Flour Mills (Licensing and Control) Order 1957, the Governor of Bihar is pleased to appoint with effect from the date of this notification the following officers to exercise the powers and perform the duties of Inspectors under the said Order within the local limits of the areas mentioned against their names, namely :—

- (1) Deputy Director of Food and Civil Supplies—Patna Division.
- (2) Deputy Director of Food and Civil Supplies—Tirhut Division.
- (3) Deputy Director of Food and Civil Supplies—Bhagalpur Division.
- (4) Deputy Director of Food and Civil Supplies—Chotanagpur Division.

Published in the *Bihar Gazette* Ext., No. 266, dated May 30, 1970.
S. O. 463.—The 25th May 1970.—In exercise of the powers conferred by sub-section (1) of section 4 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Governor of Bihar is pleased to appoint the Director of Statistics and Evaluation, Bihar as the Chief Registrar for the State of Bihar, for the purposes of the said Act.

Published in the *Bihar Gazette* Ext., No. 284, dated June 10, 1970.
S. O. 503.—The 4th June 1970.—In exercise of the powers conferred by clause 2(b)(3) of the **Kerosene Fixation of Ceiling Prices) Order, 1970**, the Governor of Bihar is pleased to authorise all Subdivisional Officers and the Special Officer, Incharge Rationing, Patna to determine the declared price of any variety of kerosene under the said clause within the local limits of their respective jurisdictions.

S. O. 505.—The 4th June 1970.—In exercise of the powers conferred by clause 6 of the **Kerosene (Fixation of Ceiling Prices) Order, 1970**, the Governor of Bihar is pleased to authorise all District Magistrates, all Subdivisional Officers and the Special Officer, Incharge Rationing Patna to exercise the powers specified under the said clause, within the local limits of their respective jurisdictions.

S. O. 507.—The 4th June 1970.—In exercise of the powers conferred by clause 7 of the **Kerosene (Fixation of Ceiling Prices) Order 1970** the Governor of Bihar is pleased to authorise the Director of Food and Civil Supplies, Bihar, Patna, Special Officer Incharge Rationing, Patna, all Deputy Directors, Food and Civil Supplies, District Magistrates, Subdivisional Officers, Magistrates, Block Development Officers, District Supply Officers, Assistant District Supply Officers, Assistant Rationing Officers, Special Officers, Supply and Commerce Department, Marketing Officers, Supply and Commerce Department, Assistant Marketing Officers, Supply and Commerce Department, Supply Inspectors and all Police Officers not below the rank of Sub-Inspector of Police to exercise the powers specified under the said clause, within the local limits of their jurisdictions.

The Bihar Tenancy Laws (Amendment) Act, 1970

The following English translation of the Act which received the assent of the Governor on 29th June 1970, was published in the *Bihar Gazette*, Ext., No. 374, dated July 14, 1970.

Bihar Act No. V of 1970

An Act to amend the Bihar Tenancy (Amendment) Act, 1955, the Chotanagpur Tenancy (Amendment) Act, 1955, and the Santhal Parganas

Tenancy (Supplementary Provisions) (Amendment) Act, 1955.

Be it enacted by the Legislature of the State of Bihar in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Bihar Tenancy Laws (Amendment) Act, 1970.

STATEMENT OF OBJECTS AND REASONS.

Object :—"On the vesting of the zamindaris in the State under the Bihar Land Reforms Act, 1950, some litigations had cropped up regarding certain estates and tenures, and the majority of the intermediaries had also not made over their jamabandis, and hence it was apprehended that a considerable part of the rent which became payable to the Government after the vesting of the zamindaris would not be realised within the period of limitation prescribed in the different Tenancy Acts. In order to prevent such rent being time-barred, the Tenancy Acts were amended by (1) the Bihar Tenancy (Amendment) Act, 1955 (Bihar Act XIX of 1955), (2) the Chota Nagpur Tenancy (Amendment) Act, 1955 (Bihar Act XX of 1955) and (3) the Santhal Parganas Tenancy (Supplementary Provisions) (Amendment) Act, 1955 (Bihar Act XXI of 1955) in consequence of which the period of limitation for the recovery of arrears of rent payable to the State Government was prescribed as ten years, but those amendments were initially to cease to have effect after the 31st March, 1961. Later on, the aforesaid date was extended from time to time by amending the aforesaid amending Acts and lastly by the Bihar Tenancy Laws (Amendment) Act, 1967 (Bihar Act 9 of 1967), that date presently stands extended till the 31st March, 1970.

2. Till now, however, it could not be possible to assess rent in respect of the different categories of lands which are deemed to be settled with the ex-intermediaries under sections 5, 6 and 7 of the Bihar Land Reforms Act, 1950, in view of the failure of the ex-intermediaries to furnish the details of all such lands. Some delay also occurred in the fixation of rent for these lands on account of certain amendments in the Bihar Land Reforms Act, 1950. It is also necessary to fix rent for the Bhojdan Lands after the Danpatras are confirmed. As such, unless the life of the temporary provision fixing ten year, as the period of limitation for recovery of arrears of rent, which expires on 31st March, 1970, is extended in the unavoidable circumstances for some time more, the State will lose a very substantial amount which will dislocate the ways and means position of the State Government. It has, therefore, been considered necessary that the life of the said temporary provision fixing the period of ten years limitation for recovery of arrears of rent payable to the State Government should be extended up to the 31st March, 1975 only.

Hence, this Bill." "Vide Statement of Objects and Reasons printed in the *Bihar Gazette*, Ext., No. 332, dated June 27, 1970.

PART I

Amendment to the Bihar Tenancy (Amendment) Act, 1955.

2. *Amendment of section 21 of Bihar Act XIX of 1955*—For sub-section (2) of section 21 of the Bihar Tenancy (Amendment) Act, 1955 (Bihar Act XIX of 1955), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

"(2) The amendment made by sub-section (1) shall cease to have effect after the 31st March, 1975; and section 8 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917) shall apply on the expiry of this amendment."

PART II

Amendment to the Chotanagpur Tenancy (Amendment) Act, 1955.

3. *Amendment of section 7 of Bihar Act XX of 1955.*—For sub-section (2) of section 7 of the Chotanagpur Tenancy (Amendment) Act, 1955 (Bihar Act XX of 1955), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(2) The amendment made by sub-section (1) shall cease to have effect after the 31st March, 1975 and section 8 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917) shall apply on the expiry of this amendment.”

PART III

Amendment to the Santhal Parganas Tenancy (Supplementary Provisions) (Amendment) Act, 1955

4. *Amendment of section 4 of Bihar Act XXI of 1955*—For sub-section (2) of section 4 of the Santhal Parganas Tenancy (Supplementary Provisions) (Amendment) Act, 1955 (Bihar Act XXI of 1955), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“The amendment made by sub-section (1) shall cease to have effect after the 31st March, 1975, and section 8 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917) shall apply on the expiry of this amendment.”

5. *Repeal and saving*—(1) The Bihar Tenancy Laws (Amendment) Ordinance, 1970 (Bihar Ordinance No. 2 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

Published in the *Bihar Gazette*, Ext., No. 30, dated January 30, 1970.

G. S. R. 10.—The 24th January, 1970—In exercise of the powers conferred by section 43 of the **Bihar Land Reforms Act, 1950** (Bihar Act XXX of 1950), the Governor of Bihar is pleased to make the following amendment to the Bihar Land Reforms Rules, 1951, the same having been previously published as required by sub-section (1) of section 43 of the said Act.

AMENDMENT

In the said Rules, rule 7-II shall be omitted.

Published in the *Bihar Gazette*, Ext.; No. 278, dated May 30, 1970.

S. O. 497.—The 30th May, 1970—In exercise of the powers conferred by section 3 of the **Bihar Urban Land Tax Act, 1955** (Bihar Act V of 1966), the Governor of Bihar is pleased to direct that for the year 1970-71 there shall be levied and collected urban land tax at the rate of 0.5 per centum of the market value of the urban land used for industrial or commercial purposes and at the rate of 0.2 per centum of the market value of other urban land.

Published in the *Bihar Gazette*, Ext., dated June 18, 1970.

G. S. R. 39.—The 12th June, 1970—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (X of 1955), read with the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July, 1967 and with

prior concurrence of the Government of India, the Governor of Bihar is pleased to make the following Order, namely :—

1. *Short title extent and commencement.*—(1) This Order may be called the Bihar Jack-fruit (Expert Control) Order, 1970.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force at once and shall remain operative till the 1st December, 1970.

2. *Definitions.*—In this Order, unless the context otherwise requires—

(a) “export” means to take or cause to be taken, by any means whatsoever, out of any place within the State of Bihar to any place outside it :

(b) “Jack-fruit” includes ripe and unripe jack-fruits ;

(c) “State Government” means the Government of the State of Bihar.

3 *Restrictions on export of Jack-fruit.*—No person shall export or attempt to export or abet the export of jack-fruit except under and in accordance with a permit issued by the State Government of by an officer appointed by the State Government in this behalf :

Provided that nothing contained herewith shall apply to the export of jack-fruit—

(i) not exceeding five killograms in weight in the aggregate by a *bona fide* traveller as part of his luggage ; or

(ii) on Central or State Government of Food Corporation of India account ; or

(iii) under and in accordance with Military Credit Notes.

4. *Power of entry, search, seizure etc.*—(1) The Collector, the Additional Collector, the Director of Food and Civil Supplies, the Deputy Director of Food and Civil Supplies, the Subdivisional Officer the District Supply Officer, the Special Officer Incharge Rationing, Patna, the Assistant District Supply Officer, any Magistrate, the Assistant Rationing Officer, the Block Development Officer, the Anchal Adhikari, the Project Executive Officer, Assistant Marketing Officer, Supply Inspector, Special Officers, Supply and Commerce Department, any Police Officer not below the rank of Sub-Inspector or any other person authorised, in this behalf by the State Government having jurisdiction may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with.—

(a) stop and search, or authorise any person to stop and search any person, or any boat, motor or other vehicles or any receptacle used or intended to be used for the export of jack-fruit ;

(b) enter and search any place ; and

(c) seize and stock of jack-fruit :

in respect of which he suspects that any provision of this Order has been is being or is about to be contravened, along with the packages, covering or receptacles in which such jack-fruit is found or the animal vehicles vessels, boats or other conveyances used in carrying such jack-fruit and thereafter, take all measures necessary for securing the production of the packages coverings receptacles animals vehicles, vessels, boat or other conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

Published in the *Bihar Gazette*, Ext., No. 403, dated July 30, 1970.

S.O. 739.—The 29th July 1970—In exercise of the powers conferred by sub-section (3) of section 1 of the **Bihar Soil and Water Conservation and Land Development Act, 1970**. (President's Act No. 12 of 1970 the Governor of Bihar is pleased to appoint the 1st of August, 1970) as the date on which the provisions of the said Act shall come into force in the whole of the State of Bihar.

Published in the *Bihar Gazette*, Ext., No. 408, dated September, 12, 1970.

S.O. 864.—The 11th September, 1970.—In exercise of the powers conferred by the third proviso to sub-section (1) of section 33 of the **Bihar Land Reforms Act, 1950** (Bihar Act XXX of 1950), the Governor of Bihar is pleased to direct that ad interim payment payable under the section for the six-monthly period ending 30th September 1970 shall be made in the month of September, 1970.

Published in the *Bihar Gazette*, Ext., No. 516, dated September 17, 1970

S.O. 874.—The 14th September, 1970.—In exercise of the powers conferred by sub-section (2) of section 45 of the **Motor Vehicles Act, 1939** (Act IV of 1939), the Governor of Bihar is pleased to direct that in case of any vehicle or vehicles proposed to be used in two or more regions lying in the State of Bihar and any other State, the application for permit under sub-section (1) of the said section shall be made to the State Transport Authority, Bihar, if the applicant resides or has his principal place of business in the State of Bihar.

Published in the *Bihar Gazette*, Ext., No. 510, dated September 15, 1970

S.O. 866.—The 25th August 1970—In exercise of the powers conferred by sub-section (3) of section 1 and section 38 of the **Bihar Development of Ayurvedic and Unani Systems of Medicine Act, 1951** (Bihar Act XXXI of 1951), the Governor of Bihar is pleased to appoint the 25th September, 1970 as the date from which the provisions of Chapter V [except clauses (a), (f), (g), and (h) of section 57] and Chapter VI of the said Act shall come into force throughout the State of Bihar.

Published in the *Bihar Gazette*, Ext., No. 480, dated September 5, 1970

No. STGL-E-1021/70-8750-F. T.—The 14th August 1970—In exercise of the powers conferred by clause (a) of sub-section (3) of section 4 of the **Bihar Sales Tax Act, 1959** (Bihar Act XIX of 1959), the Governor of Bihar is pleased to make the following amendment in the Government of Bihar Finance (Commercial Taxes) Department notification no. STGL-AR-107/59-9134-F.T. dated the 1st July 1959 as amended by notification no. STGL-J-2042/68-12570-F.T., dated the 27th December, 1968 :—

AMENDMENT

In the said Schedule III, for item no (xiii) of serial 14, the following shall be substituted, namely—

“(xiii) Chaff-cutter and spare parts thereof.”

2 This amendment shall be deemed to have come into force with effect from 1st July 1961

Published in the *Bihar Gazette*, Ext., No 457, dated August 16, 1970
The Bihar Panchayat Raj (Amendment and Validating) Ordinance, 1970

Bihar Ordinance No III of 1970.

An Ordinance to amend certain provision of the Bihar Panchayat Raj Act 1947 and to validate certain actions taken under that Act.

Preamble.—WHEREAS the Legislature of the State of Bihar is not in session;

AND WHEREAS the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948), and to validate certain actions taken under that Act in the manner herein-after appearing;

NOW THEREFORE, in exercise of the of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bihar Panchayat Raj (Amendment and Validating) Ordinance, 1970.

(2) It shall be deemed to have come into force on the 13th March, 1968.

2. *Insertion of new section 48C in Bihar Act VII of 1948.*—In the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948) (hereinafter referred to as the said Act), after section 48B, the following new section shall be inserted, namely :—

“48C. *Levy of non refundable nomination fee by the State Government.*—(1) For the elective posts under a Gram Panchayat the State Government may levy and collect non-refundable nomination fee at the prescribed rates and in the prescribed manner.

(2) The amount of nomination fee so collected shall be earmarked to meet the expenses by the State Government over the elections of the Gram Panchayats and shall constitute a separate fund ”

3. *Amendment of section 80 of Bihar Act VII of 1948.*—In sub-section (2) of section 80 of the said Act, after clause (p), the following clause shall be inserted, namely :—

“(pp) the levy and collection of non-refundable fees for elective posts under a Gram Panchayat by the State Government;”

4. *Validation of certain actions taken under the Bihar Panchayat Raj Act, 1947.*—Notwithstanding anything contained in any law or any judgment or order of any Court or authority, none of the provisions of sub-rule (6), (7) or (8) of rule 21 or clause (v) of sub-rule (2) of rule 23 of the Bihar Panchayat Elections Rules, 1959, shall be deemed to be, or ever to have become, illegal and no election to any elective post under a Gram Panchayat shall be deemed to be illegal or void, or ever to have become illegal or void, by reason only of the requirements of the said provisions.

NITYA NAND KANUNGO,
 Governor of Bihar.

Dated the 14th August, 1970

Published in the *Bihar Gazette* Ext., No. 481, dated September 5, 1970.
The District Boards and Local Boards (Control and Management)
(Amendment) Ordinance, 1970.

Bihar Ordinance No. VI of 1970

An ordinance further to amend the Bihar District Boards and Local Boards (Control and Management) Act, 1958.

Preamble.—Whereas the Legislature of the State of Bihar is not in session;

And whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar District Boards and Local Boards (Control and Management) Act, 1958 (Bihar Act XX of 1958) in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:—

1. *Short title.*—This Ordinance may be called the Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1970.

1. *Amendment of section 2 of Bihar Act XX of 1958*—For sub-sections (2) and (3) of section 2 of the Bihar District Boards and Local Boards (Control and Management) Act, 1958 (Bihar Act XX of 1958) hereinafter referred to as the said Act), the following sub-sections shall be substituted, namely:—

“(2) When an order under sub-section (1) has been made, the powers, functions and duties conferred or imposed by or under the said Act or any other Act or rules made thereunder on the District Board or Local Board on the Chairman, Vice-Chairman, any officer or Committee, as the case may be, shall, for a period till the 31st March, 1971 be exercised and performed by such person or persons as the State Government may, from time to time, appoint in this behalf, and

(3) Notwithstanding anything to the contrary contained in the said Act or the rules framed thereunder, any person aggrieved by an order of the person or persons appointed under sub-section (2) may, within two months from the date of the order, prefer an appeal to the State Government and the order of the State Government thereon shall be final.”

3. *Insertion of new section 2A in Bihar Act XX of 1958.*—After section 2 of the said Act, the following section shall be inserted, namely:—

“2A *Constitution and functions of Advisory Committee for District Board.*—

(1) For the purpose of securing the efficient discharge of functions of the District Board, the State Government may, from time to time, constitute for each District Board an Advisory Committee (hereinafter referred to as “the Committee”) which shall consist of the following members:—

(a) a person to be nominated by the State Government who shall be the Chairman;

(b) all members of the Legislative Assembly of the State and all members of the House of the People whose constituencies lie wholly or partly in the district;

(c) all members of the Legislative Council of the State and of the Council of State who are residents of the district; and

(d) not more than three persons of the district to be nominated by the State Government from amongst the representatives of the Bihar State Panchayat Parishad as referred to in clause (a2) of section 2 of the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948), or social workers, or those interested in development of Local Self-Government in the village communities.

(2) The functions of the Committee shall be—

(a) to scrutinise the budget of the District Board and to advise the District Board on matters relating thereto; and

(b) to advise on matters relating to development activities and administration of the District Board.

(3) The Committee shall meet once a month and the person appointed under sub-section (2) of section 2 shall be the convener of the Committee.

(4) If it shall appear necessary to the Committee that the presence of any officer of the State Government or of the District Board is desirable at any of its meetings for the purpose of obtaining his views or any information on any subject under consideration, it may invite such officer by letter addressed to him not less than ten days prior to the date of the intended meeting to attend the meeting, and the said officer, unless prevented due to unavoidable circumstances, shall attend such meeting.

Provided that such officer, on receipt of invitation may if he is so prevented, depute another officer to attend the meeting as his representative.

4. *Repeal and Saving.*—(1) The Bihar District Boards and Local Boards (Control and management) Amendment Act, 1970 (President's Act 2 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, any appeal pending on the date of coming into force of this Ordinance before any authority appointed by the State Government in exercise of the powers conferred by sub-section (3) of section 2 of the Bihar District Boards and Local Boards (Control and Management) Act, 1958 (Bihar Act XX of 1958), as it stood before coming into force of this Ordinance, shall be disposed of by such authority as if this Ordinance had not been promulgated:

Provided, further that any person aggrieved by the order of such authority passed on appeal, may, within two months from the date of the order, prefer a second appeal to the State Government and the order of the State Government thereon shall be final.

NITYANAND KANUNGO.

Governor of Bihar.

Dated the 29th August 1970.

Published in the *Bihar Gazette*, Ext. No. 491, dated September 5, 1970
The Bihar Hindu Religious Trusts (Amendment) Ordinance
1970.

Bihar Ordinance No. V of 1970.

An Ordinance to amend the Bihar Hindu Religious Trusts Act, 1950.

Preamble.—Whereas the Legislature of the State Bihar is not in session;

And Whereas the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act I of 1951)

in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the Bihar Hindu Religious Trusts (Amendment) Ordinance, 1970.

2. *Amendment of section 80 of Bihar Act I of 1951.*—For sub-section (1) of section 80 of the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act I of 1951) (hereinafter referred to as the said Act) the following sub-section shall be, and shall be deemed to have been, substituted with effect from fifteenth day of May, 1969, namely :—

“(I) If, in the opinion of the State Government, the Board persistently makes default in the performance of the duties imposed on it by or under this Act or exceeds or abuses its powers, the State Government may, by notification, specifying the reason for so doing, declare the Board to be in default or to have exceeded or abused its powers, as the case may be; and

(a) direct that on a date to be specified in the order, the office of the members of the Board shall be deemed to be vacated and require a fresh election to be held on or before the said date; or

(b) direct that the Board shall be superseded for such period, not exceeding six months at a time, but in any case not exceeding thirty-three months in all, as may be specified in the notification.”

3. *Saving.*—Anything done or any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under the said Act, as amended by this Ordinance.

NITYANAND KANUNGO,
Governor of Bihar.

The 3rd September, 1970.

The Bihar Consolidation of Holdings And Prevention of Fragmentation (Amendment) Act, 1970.

The following english translation of the Act which received the assent of the Governor on 2nd August 1970, was published in the *Bihar Gazette* Ext., No. 445, dated August 11, 1970.

Bihar Act VII of 1970

An Act to amend the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

Be it enacted by the Legislature of the the State of Bihar in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Bihar Consolidation of Holdings and Prevention of Fragmentation (Amendment) Act, 1970.

2. *Substitution of new section for section 8 of Bihar Act XXII of 1956.*—For section 8 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (Bihar Act XXII of 1956), (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

“8. *Preparation of up-to-date record-of-rights before consolidation.*—

(1) Save as provided in sub-section (2), as soon as may be after the publication of a notification under section 3, an up-to-date record-of-rights, in respect of all lands comprised in the notified area, together with a map shall be prepared in accordance with the provisions of Chapter X of the Bihar Tenancy Act, 1885 (Act VIII of 1885), or as the case may be Chapter XII of the Chota Nagpur Tenancy Act, 1903 (Ben.

Act VI of 1908) or the Santhal Parganas Settlement Regulation, 1872 (Regulation III of 1872):

Provided that the State Government may, by rules made in this behalf, make such modifications in the provisions of the said Acts and Regulation as may be necessary for the expeditious preparation of the record-of-rights.

(2) Where in respect of lands comprised in the notified area, map and record-of-rights have been prepared and preliminarily or finally published under the provisions of Chapter X of the Bihar Tenancy Act, 1885 (Act VIII of 1885), or as the case may be Chapter XII of the Chota Nagar Tenancy Act, 1908 (Ben. Act VI of 1908), or the Santhal Parganas Settlement Regulation, 1872 (Reg. III of 1872) within five years preceding the date of publication of the notification under section 8, such map and record-of-rights shall be deemed to be up-to-date map and record-of-rights prepared under sub-section (1)."

3; *Substitution of new section for section 9 of Bihar Act XXII of 1956.*— For section 9 of the said Act, the following section shall be substituted, namely:—

"9. *Preparation of register of lands.*—When the record-of-rights has been or is deemed to have been prepared under section 8, there shall be prepared in the prescribed form—

(i) a register of lands belonging to *raiya*s which shall contain the following particulars namely:—

(a) the name of the *raiya*;

(b) the areas and serial numbers of the plots of land held by the *raiya*;

(c) classification of each plot according to its produce;

(d) the areas and serial numbers of the plots of land held by under-*raiya*s, if any, having a right of occupancy therein;

(e) the areas and serial numbers of the plots of land held by under-*raiya*s, if any having no right of occupancy therein;

(f) the market value of each plot;

(g) the market value of buildings, wells and trees standing on any plot;

(h) the total market value of lands (including the value of buildings, wells and trees standing thereon) held by each *raiya*; and

(i) any other particulars that may be prescribed; and

(ii) a register of lands reserved for public purpose which shall contain the following particulars, namely:—

(a) the public purpose for which any such land has been reserved or which it serves;

(b) the area and boundary of such land; and

(c) any other particulars that may be prescribed."

Published in the *Bihar Gazette* Ext. No. 476., dated September 1, 1970.

No. STGL-E-1020/70-8891-F.T.—The 20th August, 1970—In exercise of the powers conferred by clause (a) of sub-section (3) of section 4 of the *Bihar Sales Tax Act, 1959* (Bihar Act XIX of 1959), the Governor of Bihar is pleased to make the following amendments in Schedule III, appended to the Government of Bihar, Finance (Commercial Taxes) Department notification no. STGL-J-2042/68-12570-F.T., dated the 27th December 1968 as amended from time to time, namely:—

Amendment.

In the said Schedule III after serial no. 33, the following serial number and its corresponding entry in column 2 thereof shall be added, namely:—

“34. Sweet potato.”

2. This amendment shall be deemed to have come into force with effect from the 1st April 1970.

Published in the *Bihar Gazette* Ext., No. 406, dated July 30, 1970.

No. STGL E-1016/70—7804-F. T.—The 25th July 1970—In exercise of the powers conferred by clause (a) of sub-section (3) of section 4 of the Bihar Sales Tax Act, 1959 (Bihar Act XIX of 1959), the Governor of Bihar is pleased to make the following amendments in Schedule III, appended to the Government of Bihar, Finance (Commercial Taxes) Department notification No. STGL-J-2042/63—12570-F. T., dated the 27th December 1968 as amended by notification No. STGL.E-1005/69—1833-F. T., dated the 26th February 1969, namely:—

Amendment

In the said Schedule III, for serial no. 15 and corresponding entry thereof in column 2, the following serial no. and its corresponding entry shall be substituted, namely:—

15 Yarn of all types including Tasar Cocoons; but excluding woollen yarn”.

2. This amendment shall be deemed to have come into force with effect from 1st April 1969.

Published in the *Bihar Gazette* No. 531, dated 19th September, 1970.
The Bihar Land Reforms (Fixation of Ceiling, Area And Acquisition of Surplus Land) Amendment Ordinance, 1970.

Bihar Ordinance No. VII of 1970.

[Received the assent of the Governor on 8th September, 1970]

An Ordinance to amend the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

Whereas the Legislature of the State of Bihar is not in session;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), in the manner hereinafter appearing;

And, whereas the instructions of the President have been obtained under the proviso to clause (1) of article 213 of the Constitution of India;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:—

1. *Short title*—This Ordinance may be called the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1970.

2. *Amendment of section 5 of Bihar Act XII of 1962.*—In section 5 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) (hereinafter referred to as the said Act), to clause (ii) of sub-section (1), the following proviso shall be added, namely:—

“Provided that no land holder holding land in excess of the ceiling

area shall from and after the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1970 and until the publication or notification under section 15 transfer any land held by him except with the previous permission in writing of the Collector who may refuse to give such permission if he is satisfied for reasons to be recorded in writing that transfer is proposed to be made with a mala fide intention of defeating the object of this Act."

3. *Substitution of new section for section 27 of the Bihar Act XII of 1962.*—For section 27 of the said Act, the following section shall be substituted, namely:—

"27. *Disposal of surplus land.*—(1) Subject to the provisions of this Act, all land acquired or deemed to be acquired by the State Government under this Act may, subject to rules made in this behalf, be settled by the Collector in the following order of preference:—

(i) with landless persons belonging to the Scheduled Castes, Scheduled Tribes, or Backward Classes mentioned in Government of Bihar, Revenue Department notification No. A/T-1015/55—1091-R, dated the 7th February 1956 and No. A/T-3043/61—4523-R, dated the 23rd June 1962 of the village in which the land is situated;

(ii) with persons belonging to the Scheduled Castes Scheduled Tribes or Backward Classes mentioned in Government of Bihar, Revenue Department notification No. A/T-1015/55—1091-R, dated the 7th February 1956 and No. A/T-3043/61—4523-R, dated the 23rd June 1962, of the village in which the land is situated having not more than 1 acre of class III land or equivalent area;

(iii) with other landless persons of the village in which the land is situated;

(iv) with other persons of the village in which the land is situated having not more than 1 acre of class III land or equivalent area;

(v) with persons serving in the Army, Navy or Air Force of the Union of India and families of such persons killed in action;

(vi) with ex-servicemen of Army, Navy or Air Force of the Union of India of the village in which the land is situated:

Provided that if the village in which the land is situated is uninhabited, the land shall be settled with the aforesaid categories of persons of adjoining village in the same order of preference:

Provided further that in the district of Santhal Parganas, the Collector shall, while making such settlement, follow the principles prescribed for settlement of waste land or vacant land under section 28 of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XVI of 1949).

(2) All arrears of rent in respect of the land so vested and due by the land-holder for any period prior to the date on which the land-holder is in consequence of such vesting, divested of his possession by an order of the Collector under this Act, shall continue to be recoverable from such land-holder and may, without prejudice to any other mode of recovery, be realised by deducting the amount from the compensation payable under this Act to such land-holder.

(3) A person with whom the land is settled by the Collector under sub-section (1) shall pay to the State Government such amount as specified in the Schedule in respect of a new settler, and the amount so payable by him shall be a charge on the land and shall take priority over all other claims on the land:

Provided that if ten or more such settlees of the same village form a co-operative farming society registered under the Bihar and Orissa Co-operative Societies Act, 1935 (B. and O. Act VI of 1935), the amount payable by the settlees concerned to the Government after the date of registration of the society shall be reduced by half.

(4) The land settled by the Collector under sub-section (1) shall be heritable but shall not be transferable :

Provided that the settlee may enter into a simple mortgage in respect of the land with a society or bank registered or deemed to be registered under the Bihar and Orissa Co-operative Societies Act, 1935 (B. and O. Act VI of 1935) or with the State Bank of India or a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act 5 of 1970) or with a company or a Corporation owned by, or in which not less than fifty-one per cent of share capital is held by the State Government or the Central Government, or partly by the State Government and partly by the Central Government, for raising loan for agricultural purposes."

NITYANAND KANUNGO,

Dated the 8th September, 1970.

Governor of Bihar.

Published in the *Bihar Gazette*, Ext., No. 542, dated 14th September, 1970.

The Bihar State Aid to Industries (Amendment) Ordinance, 1970.

Bihar Ordinance No. VIII Of 1970.

An Ordinance to amend the Bihar State Aid to Industries Act, 1956.

Preamble.—Whereas the Legislature of the State of Bihar is not in session;

And Whereas the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar State Aid to Industries Act, 1956 (Bihar Act XXIV of 1956), in the manner hereinafter appearing;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bihar State Aid to Industries (Amendment) Ordinance, 1970.

(2) It shall be deemed to have come into force with effect from the 19th June 1969.

2. *Amendment of section 2 of Bihar Act XXIV of 1956.*—In section 2 of the Bihar State Aid to Industries Act, 1956 (XXIV of 1956) (hereinafter referred to as the said Act) —

(1) for clause (3), the following clause and Explanation shall be substituted, namely :—

"(3) 'Industry' means any industrial business or enterprises including one connected with agriculture, conducted or undertaken either by an individual or a co-operative society or by a company association or body of individuals whether incorporated or not and includes setting up of industrial estate either in the co-operative or public sector by a co-operative society or limited liability company whether private or public.

Explanation.—In this clause an "Industrial Estate" means a compact area with a cluster of industries for which sheds, road, water power, or other facilities are provided by a co-operative society or a limited liability company, whether public or private ;" and

(ii) for clause (8) the following clause and Explanation shall be substituted, namely :—

“(8) ‘Small-scale Industry’ means an industry that is carried on, with a capital outlay not exceeding seven lakhs and fifty thousand of rupees and includes an ancillary unit of which the investment in machinery and equipment does not exceed ten lakhs of rupees, and a cottage industry.

Explanation—In this clause—

(a) “ancillary unit” means a unit which produces parts, components, sub-assemblies and tooling for supply, against known and anticipated demand of one or more large units manufacturing or assembling complete products and which is not subsidiary to or controlled by any large unit in regard to the negotiation of contracts for supply of its goods to any large unit ; and

(b) ‘capital outlay’ means investment in plant and machinery only in calculating the value where of the original price paid by the owner irrespective of whether the plant and machinery are new or second hand will be taken into consideration.”

3. *Amendment of section 3 of Bihar Act XXIV of 1956.*—For clause (b) of section 3 of the said Act, the following clause shall be substituted, namely :—

“(b) the guarantee of a cash credit overdraft or fixed advance with a bank, Life Insurance Corporation of India, established under the Life Insurance Corporation Act, 1956 (31 of 1956), National Small Industries Corporation Limited established as a limited company or any other financial institution as may be notified by the State Government from time to time or public sector undertaking.”

4. *Amendment of section 6 of Bihar Act XXIV of 1956.*—At the end of section 6 of the said Act, the following Explanation shall be added, namely :—

“*Explanation.*—For the purpose of this section value of State aid in the form mentioned in clause (e) of section 3 in respect of grant on favourable terms of land in industrial areas or of sheds in industrial estates shall mean the difference between its cost of acquisition and development and the premium charged for the grant.”

5. *Amendment of section 7 of Bihar Act XXIV of 1956* —In subsection (2) of section 7 of the said Act, the word “and” at the end of clause (a) shall be omitted and after clause (a) as so amended, the following clause shall be added, namely :—

“(aa) in the case of small-scale industry to be set up by unemployed engineer or technician with proposed capital in investment of rupees thirty thousand and above, a loan up to seventy-five per cent of the proposed investment or rupees twenty thousand whichever is less may be given on the security of two personal surties on further condition that the assets built up by such loan shall be mortgaged by the loanee to the State Government on such terms and conditions as may be prescribed, and”.

6. *Amendment of section 11 of Bihar Act XXIV of 1956.*—For section 11 of the said Act, the following section shall be substituted namely :—

“11. *Guaranteeing of cash credit, etc. with banks and other institutions.*—The provisions of section of sections 7 to 10 (both inclusive) in respect of loans shall subject to any rule that may be made under this Act, apply so far as may be to guarantees of cash credits, overdrafts

or fixed advances with banks, Life Insurance Corporation of India established under the Life Insurance Corporation Act 1956, (31 of 1956), National Small Industries Corporation or any other financial institution as may be notified by the State Government from time to time or public sector undertaking."

7. *Amendment of section 13 of Bihar Act XXIV of 1956* —For section 13 of the said Act, the following section shall be substituted, namely :—

"13. *Powers of the State Government to recover loans* —After an order under section 12 has been passed terminating the State Aid in respect of any industry, the State Government or any other officer authorised in this behalf may notwithstanding anything to the contrary contained in this Act or any other law for the time being in force proceed to recover from the owner as an arrear of land revenue—

(a) the whole amount of any loan outstanding together with such interest as may be due thereon ; or

(b) in case where the aid is given otherwise than by a grant of loan the money/value of the grant or concession as fixed at the time when it was made together with interest at a rate not exceeding twelve per centum per annum from the date of the grant of concession till the date of realisation ; or

(c) in cases mentioned in clause (a) or (b), the cost of recovery."

8. *Amendment of section 34 of Bihar Act XXIV of 1956* —For clause (g) of sub-section (2) of section 34 of the said Act, the following clause shall be substituted, namely :—

"(g) The guaranteeing by the State Government of cash credits overdrafts or fixed advances with banks, Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956), National Small Industries Corporation Limited or any financial institution as may be notified by the State Government from time to time or public sector undertaking under section 11 and the recognition of banks for this purpose."

NITYANAND KANUNGO,

Governor of Bihar.

The 7th September, 1970.

Published in the *Bihar Gazette*, Ext., No. 537, dated 24th September, 1970.

S.O. 906.—The 22nd September, 1970.—In exercise of the powers conferred by clause (17) of section 3 of the *Bihar Tenancy Act, 1885* (Act VIII of 1885), the Governor of Bihar is pleased to empower all Additional Collectors and Sub-divisional Officers to discharge the functions under sub-section (2) of section 109 of the said Act, within the local limits of their respective jurisdictions.

S.O. 908.—The 22nd September, 1970.—In exercise of the powers conferred by clause (17) of section 3 of the *Bihar Tenancy Act, 1885* (Act VIII of 1885), the Governor of Bihar is pleased to empower all officers appointed as Settlement Officers, Charge Officers and Assistant Settlement Officers in connection with Survey and Settlement Operations under Chapter X of the said Act to discharge the functions of a Revenue Officer under sub-section (2) of section 109 of the said Act within the local limits of their respective jurisdictions.

Published in the *Bihar Gazette*, Ext., No. 536, dated September 22, 1970.

S. O. 904.—The 22nd September, 1970—In exercise of the powers conferred by clause (a) of sub-section (3) of section 109 of the **Bihar Tenancy Act, 1885** (Act VIII of 1885), the Governor of Bihar is pleased to empower the following officers within their respective jurisdictions to hear appeals against decisions under sub-section (2) of the said section, namely :—

- (a) Settlement Officer or Charge Officer if it is against the decision of an Assistant Settlement Officer ;
- (b) Settlement Officer, if it is against the decision of Sub-Charge Officer ; and
- (c) Additional Collector, if it is against the decision of a Sub-divisional Officer.

Published in the *Bihar Gazette*, Ext., No. 535, dated September 22, 1970.

G. S. R. 82.—The 18th September 1970 —In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955), read with the Order of the Government of India in the Ministry of Commerce published under S. O. 1844, dated the 18th June 1966 and S. O. 2314, dated the 30th July 1966, and with the prior concurrence of the Government of India, the Governor of Bihar is pleased to make the following amendments in the **Bihar Essential Commodities—Other than foodgrains—Prices and Stocks (Display and Control) Order, 1967**, namely :—

AMENDMENTS.

In the said order—

After item 9 of Schedule II, the following items shall be *added*, namely :—

“(10) Tyres and tubes of scooters (including scooter-rickshaw and auto-rickshaw).

(11) Tyres and tubes of cars, buses, jeeps, vans, trucks, automobiles of any category whatsoever, tractors and tractor-trolleys.

(12) Tyres and tubes of Animal Drawn Vehicles.

(13) Cycles tyres and tubes (including cycle rickshaw tyres and tubes)”.

Published in the *Bihar Gazette*, Ext., No. 539, dated 22nd September, 1970.

S. O. 911.—The 22nd September 1970.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 3 of the **Bihar Tenancy (Amendment) Act, 1970** (Act No. 6 of 1970), the Governor of Bihar is pleased to empower the following officers within their respective jurisdictions to hear appeals against decisions under sub-section (2) of the said section, namely :—

- (a) Settlement Officer or Charge Officer, if it is against the decision of an Assistant Settlement Officer ;
- (b) Settlement Officer, if it is against the decision of a Charge Officer ; and
- (c) Additional Collector, if it is against the decision of a Sub-divisional Officer.

The Bihar Tenancy (Amendment) Act, 1970.

The following English translation of the Act which received the assent of the Governor on 2nd August 1970, was published in the *Bihar Gazette*, Ext., No. 541, dated September 24, 1970.

Bihar Act No. VIII of 1970.**An Act to amend the Bihar Tenancy Act, 1885.**

Be it enacted by the Legislature of the State of Bihar in the Twenty first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Bihar Tenancy (Amendment) Act, 1970.

Notes

“Object :—Under section 48E of the Bihar Tenancy Act, 1885 the power to restore an under-*raiyat* to possession of the tenancy can be exercised by the Collector only after he is or has been unlawfully ejected. It has been found that after actual unlawful ejectment of the under-*raiyats*, it becomes very difficult for them to take legal steps for getting the land restored. Hence it has been considered necessary to empower the Collector to take preventive measures in the event of threatened ejectment and refer the dispute between the under-*raiyat* and his landlord to a Board for promoting a settlement and also to make the disobedience of the order of the Collector in this regard a penal offence.

2. It has also been considered necessary to prevent accrual of occupancy right to an under-*raiyat* in such area of the land to be selected and declared by his landlord in the prescribed manner as together with the area of land already held by the landlord under his cultivation does not exceed 5 acres of irrigated or 10 acres of other land, or in any land of a landlord who is widow or a person suffering from mental or physical disability or a person in the service of the Army, Navy or Air Force of the Union of India or a public servant in receipt of a substantive salary not exceeding six hundred and fifty rupees a month.

Hence this Bill. “Vide Statement of Objects and Reasons printed in the *Bihar Gazette*, Ext., No. 331, dated June 27, 1970.”

2. *Amendment of section 48C of Act VIII of 1885.*—For the proviso to section 48C of the Bihar Tenancy Act, 1885 (VIII of 1885) (hereinafter referred to as the said Act), the following proviso shall be substituted, namely :—

“Provided that an under-*raiyat* shall not, irrespective of the duration of his holding any land as an under-*raiyat*, acquire any right of occupancy—

(i) in such area of the land to be selected and declared by his landlord in the prescribed manner as together with the area of land already held by the landlord under his cultivation does not exceed the following limits, namely :—

(a) five acres of land irrigated by flow irrigation work, lift irrigation work or tube-well owned, constructed, maintained, improved or controlled by the Central or the State Government or by a body corporate constituted under any law or by tube-well owned or maintained by the landlord or ;

(b) ten acres of other land ; or

in the land, within the ceiling area fixed by law of a landlord, who is a widow or a person suffering from blindness, leprosy or paralysis or

is a person of unsound mind or a person in the service of the Army, Navy or Air Force of the Union of India during the period the landlord remains a widow or suffers from blindness, leprosy or paralysis or remains of unsound mind or remains in the service of the Army, Navy or Air Force of the Union of India.

Explanation I.—A land shall be deemed to be irrigated by such flow irrigation work, lift irrigation work or tube-well if it is ordinarily capable of being irrigated from such source notwithstanding that such irrigation is not enjoyed owing to any action or inaction on the part of the landlord of such land.

Explanation II.—For the purpose of this section one acre of land mentioned in clause (i) (a) shall be deemed to be equivalent to two acres of land mentioned in clause (i)(b).

Explanation III.—If there are more than one under-raiyat under a landlord, the area of land to be selected, and declared by the landlord in the prescribed manner shall be in proportion to the area of land held by different under-raiyat.

Explanation IV.—A member of an undivided Hindu family having or being entitled to a share in land shall be deemed to be a landlord for the purpose of this section as if there had been partition in the family."

3. *Substitution of new section for section 48E of Act VIII of 1885.*—For section 48E of the said Act, the following section shall be substituted namely :—

"48E. *Prevention of threatened ejectment of under-raiyat and restoration to possession under-raiyat unlawfully ejected.*—(1) If an under-raiyat is threatened with unlawful ejectment from his tenancy or any portion thereof by his landlord or if there is a dispute between them over the possession of land, crop or produce thereof, either on the ground of non-existence of relationship of landlord and tenant between them or otherwise or if an under-raiyat is or has been ejected from his tenancy or any portion thereof within twelve years before the commencement of proceedings under this section in contravention of the provisions of section 89, the Collector may, of his own motion or on application made in this behalf by under-raiyat, initiate a proceeding for preventing the landlord from ejecting the under-raiyat or for settlement of the said dispute or for restoration to possession under-raiyat unlawfully ejected from his tenancy or portion thereof.

(2) The Collector may, after hearing the parties, about which due notice shall have been given to them or ex-parte, in cases of emergency, by an order in writing, prevent the landlord from ejecting the under-raiyat until disposal of the proceeding or until further orders and if he is of opinion that any crop or produce of the land which is subject-matter of dispute in the proceeding under this section, is liable to speedy and natural decay, he may, if the situation so warrants and in a similar manner as aforesaid direct the proper custody or harvesting or sale, as the case may be, of such crop or produce or the sale proceeds thereof.

(3) When a proceeding is initiated under sub-section (1) the Collector may refer the matter (hereinafter referred to as "dispute") to a Board to be appointed by him, for promoting the settlement of the dispute between the under-raiyat and the landlord.

(4) A Board to be appointed by the Collector in the prescribed manner under sub-section (3) shall consist of a Chairman, who shall

be unconnected with the dispute referred to such Board or with any party directly affected by such dispute and two members to represent the parties to the dispute and the person appointed as a member to represent any party shall be appointed on the recommendation of the party:

Provided that if any party does not nominate any person to represent him in the Board or nominates a person who is not available within such time as the Collector considers reasonable, the Collector may appoint such person as he thinks fit to represent that party.

(5) If at any time before the Board has completed its work, the service of the Chairman or any member of the Board ceases to be available, or any member of the Board fails to attend the meeting of the Board on two successive dates without showing cause to the satisfaction of the Chairman, the Collector may appoint any suitable person in the prescribed manner to take his place and the proceeding shall be continued before such Board as so reconstituted.

(6) The Chairman of the Board to which a dispute is referred, shall give written notice to the under-*raiyat* and his landlord in the prescribed manner and the Board shall make endeavours to bring about an amicable settlement of the dispute and when an amicable settlement of the dispute is brought about, the Board shall forthwith submit a report containing the terms on which settlement had been brought about, to the Collector, who may dispose of the proceeding accordance with the terms of the report:

Provided that failure on the part of any member of the Board to sign the report shall not affect the validity of the same.

(7) Where a Board does not succeed in bringing about an amicable settlement of the dispute, it shall make enquiry into the same receive such evidence as it considers necessary, record its findings on the disputes and transmit the entire record of the proceeding forthwith to the Collector who may dispose of the proceeding in accordance with terms of the findings:

Provided that failure on the part of any member of the Board to sign the finding shall not affect the validity of that finding:

Provided further that if any member does not want to sign the findings of the Board he will submit his disagreement on the findings in writing failing which the Chairman will submit his notes on the subject.

(8) In case of disagreement with the report or the findings of the Board, the Collector shall, after recording his reasons for such disagreement and after giving the parties concerned a reasonable opportunity of being heard, make such enquiry, if any, as he thinks necessary and on being satisfied that—

(i) the person threatened with ejectment is an under-*raiyat*, the Collector shall declare the threatened ejectment illegal and direct that the landlord shall not interfere with the possession of the under-*raiyat* in his tenancy or any portion thereof;

(ii) the land under dispute is in the tenancy of the under-*raiyat*, the Collector shall declare possession of the under-*raiyat* and order the crop or produce, or the sale-proceeds thereof, as the case may be, to be divided between the under-*raiyat* and his landlord in accordance with the provisions of sections 69 to 71 of the Act;

(iii) the person alleged to have been ejected was an under-*raiyat*, of the disputed land on the date of ejectment and was ejected within twelve years before the commencement of proceeding under this section

in contravention of section 89, the Collector shall order that the landlord, or, where any other person is in possession of the land comprised in the under-*raiyats* tenancy or portion thereof under any claim derived from the landlord, such person shall restore the under-*raiyat* to possession of the tenancy or portion from which he was so ejected.

(9) The order of the Collector under sub-section (6), (7) or (8) shall be in writing and shall state the grounds on which it is made and specify the period which shall not exceed six months from the date of the order within which his order shall be carried.

(10) If the Board fails to record its findings or transmit the records as required under sub-section (7), within a period of six months from the date of its appointment, the Collector may withdraw the proceeding from the Board and decide the dispute himself according to the provision of this section.

(11) If the person against whom an order has been made under sub-section (6), (7) or (8) fails to carry out the orders of the Collector within such time if any, as may be specified in the order or the order passed in appeal under section 48F, he shall, on a complaint filed by the Collector, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both:

Provided that the Collector shall await the result of appeal filed under section 48F, for filing the complaint.

(12) The Board shall have the same power regarding the summoning and attendance of witnesses and compelling the production of documents as a Civil Court has under the Code of Civil Procedure 1908 (V of 1908) and the Collector shall have general control and superintendence over the Board.

(13) Save as expressly provided in this Act, no Civil or Criminal Court shall have any jurisdiction over the subject-matter of a dispute after a proceeding is initiated under sub-section (1) by the Collector:

Provided that nothing in this sub-section shall be deemed to affect the powers of a Criminal Court to take such action as may be necessary for preventing breach of the peace pending the final disposal of the proceeding by the Collector."

Published in the *Bihar Gazette*, Ext. No. 543, dated September, 25th, 1970.

The Bihar Khadi and Village Industries (Amendment) Ordinance, 1970

Bihar Ordinance No. IX of 1970.

An Ordinance to amend The Bihar Khadi and Village Industries Act, 1956.

Preamble.—Whereas the Legislature of the State of Bihar is not in session;

And Whereas the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Khadi and Village Industries Act, 1956 (Bihar Act XIV of 1956), in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:—

1. *Short title.*—This Ordinance may be called the Bihar Khadi and Village Industries (Amendment) Ordinance, 1970.

2. *Amendment of section 2 of Bihar Act XIV of 1956.*—In section 2 of the Bihar Khadi and Village Industries Act, 1956 (Bihar Act XIV of 1956) (hereinafter referred to as the said Act) after clause (a) the following clause shall be inserted namely:—

“(aa) ‘Commission’ means the Khadi and Village Industries Commission established under section 4 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956).”

3. *Amendment of section 3 of Bihar Act XIV of 1956.*—For sub-section (1) of section 3 of the said Act, the following sub-section shall be substituted, namely:—

“(1) As soon as may after the coming into force of this Act, there shall be established, for the purposes of this Act by the State Government a Board to be called the Bihar State Khadi and Village Industries Board.”

4. *Amendment of section 4 of Bihar Act XIV of 1956.*—In section 4 of the said Act—

(a) after sub-section (2a) the following sub-section shall be inserted, namely:—

“(2aa) The State Government shall on the recommendation of the Board, appoint an officer of the State Government to be the Chief Executive Officer of the Board”, and

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) The terms of the office and the terms and conditions of service of the Chief Executive Officer of the Board shall be such as may be prescribed”

5. *Substitution of new section for section 11 of Bihar Act XIV of 1956.*—For section 11 of the said Act, the following section shall be substituted, namely:—

“(11) *Constitution of the Advisory Council.*—(1) To advise and assist the Board in the discharge of its functions under this Act, the State Government may, by notification in the official gazette constitute an Advisory Council to be called the Bihar Khadi and Village Industries Advisory Council consisting of a Chairman and besides the members of the Board, such number of other members, not exceeding twenty-one as are, in the opinion of the State Government, interested in the development of Khadi and Village Industries.

(2) The President of the Board shall be the Chairman of the Advisory Council.

(3) The terms of office of the other members of the Advisory Council shall be three years from the date of the publication of their names in the official Gazette.

(4) The State Government may if it thinks expedient, dissolve at any time the Advisory Council or accept the resignation of any member of the Advisory Council or direct that any person shall cease to be a member thereof and any such action of the State Government shall not be questioned in any Court.

(5) The business of the Advisory Council shall be conducted in such manner as may be prescribed.

(6) The non-official members of the Advisory Council shall be paid such allowances from the funds of the Board as may be prescribed.”

6. *Amendment of section 14 of Bihar Act XIV of 1956.*—For clause (b) of sub-section (2) of section 14 of the said Act, the following clause shall be substituted namely:—

"(b) to help persons or associations of persons by providing them with work in their homes and to give them financial assistance in the shape of loans and grant for any of the purposes of this Act on such terms and conditions as may from time to time be laid down:—

(i) by the commission in case of loans and grants given by the Board out of the funds received from the Commission;

(ii) by the State Government in case of loans and grants given by the Board out of the funds received from the State Government or otherwise and such terms and conditions may also provide for the recovery of the loans together with interests thereon if any or the grants."

7. *Insertion of new section 15A in Bihar Act XIV of 1956.*—After section 15 of the said Act, the following section shall be inserted, namely—

"15A *Constitution of Standing Finance Committee.*—(1) The Board may constitute from amongst the members of the Board a Standing Finance Committee which shall exercise such powers and perform such functions relating to the finance of the Board as may be delegated to it by the Board.

(2) The Financial Adviser and Chief Accounts Officer and the Chief Executive Officer of the Board shall also be the members of the Standing Finance Committee."

8. *Amendment of section 21 of Bihar Act XIV of 1956.*—For subsection (1) of section 21 of the said Act, the following sub-section shall be substituted, namely:—

"(1) the Board shall have two separate funds to be called the "Khadi Fund" and "Village Industries Fund", and all grants and advances made to the funds, from time to time by the State Government or by the Commission for the purpose of development of Khadi or the development of Village Industries and all other receipts of the Board shall be credited to the "Khadi Fund" or the "Village Industries Fund" as the case may be, and all payments by the Board for or in respect of Khadi or Village Industries shall be made from the appropriate fund."

9. *Substitution of new section for section 27 of Bihar Act XIV of 1956.*—For section 27 of the said Act, the following section shall be substituted, namely:—

"*Annual Report.*—(1) The Board shall prepare and forward to the State Government in such manner as may be prescribed an annual report within three months of the end of the financial year giving a complete account of its activities during the previous financial year.

(2) The report received by the State Government under subsection (1) shall be laid before both the houses of the State Legislature as soon as may be after it is received by the State Government."

10. *Insertion of new section 32A in Bihar Act XIV of 1956.*—After section 32 of the said Act, the following section shall be inserted, namely:—

"32A. *Sums due to the Board recoverable as Public demands.*—(1) All loans advanced under this Act, all interests, if any chargeable thereon, all misapplied, misutilised or unutilised grants made under any agreement express or implied or otherwise and cost if any, incurred in making or recovering the same, whether before or after the commencement of the Bihar Khadi and Village Industries (Amendment) Ordinance, 1966 (Bihar Ordinance No. X of 1966) shall without prejudice to

any other remedy provided by law, be recoverable under the Bihar and Orissa Public Demands Recovery Act, 1914 (B & O Act IV of 1914).

(2) If any question arises whether a sum is payable to the Board within the meaning of sub-section (1) the same shall be referred to the Director of Industries, Bihar who shall after making such enquiry as he may deem fit, and after giving the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question and his decision thereon shall be final and shall not be called in question in any court of law.

Explanation.—For the purposes of this sub-section, Director of Industries means the Director of Industries of the Government of Bihar and includes any person not below the rank of a Deputy Director of Industries of the Government of Bihar, whom the Director of Industries may authorise to perform his functions in this behalf."

11. *Amendment of section 33 of Bihar Act XIV of 1958.*—In sub-section (2) of section 33 of the said Act—

(a) for clause (aa), the following clause shall be substituted namely:—

"(aa) the terms of office and the terms and conditions of service of the Financial Adviser and the Chief Accounts Officer and the Chief Executive Officer of the Board including the salaries and allowances to be paid to them by the Board"; and

(b) for clause (cc), the following clause shall be substituted namely:—

"(cc) the powers and duties to be exercised and performed by the Financial Adviser and the Chief Accounts Officer and the Chief Executive Officer of the Board."

12. *Amendment of section 34 of Bihar Act XIV of 1958.*—For clauses (b) and (c) of sub-section (2) of section 34 of the said Act, the following clauses shall be substituted namely:—

"(b) remuneration allowances and other conditions of service of members of the staff of the Board, other than the Financial Adviser and Chief Accounts Officer and the Chief Executive Officer of the Board" and

(c) functions and duties of the members of the staff of the Board other than the Financial Adviser and Chief Accounts Officer and Chief Executive Officer of the Board."

NITYANAND KANUNGO

Governor of Bihar.

The 10th September, 1970.

Published in the *Bihar Gazette* Ext., No. 600, dated October 28th, 1970

S.O. 1007.—The 28th October, 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Bihar Sales Tax (Amendment) Ordinance 1970** (Bihar Ordinance XII of 1970), the Governor of Bihar is pleased to appoint the 1st November, 1970 as the date on which the said Ordinance shall come into force.

Published in the *Bihar Gazette* Ext., No. 601, dated October 30th, 1970

S.O. 1009.—The 26th October, 1970.—In exercise of the powers conferred by sub-section (1) of section 48 of the **Bihar Sugarcane (Regulation of Supply and purchase) Act, 1969** (Bihar Act No. 8 of 1969),

the Governor of Bihar is pleased to direct that the occupier of every factory shall pay a commission at the rate of 18 paise per quintal on purchase of cane made by him or on his behalf within the State of Bihar from the 31st day of August, 1969 until further orders.

Published in the *Bihar Gazette* Part III, No. 43, dated November 4, 1970

No. 303-Enrol.—The 1st Asvina 1892 (S)/23rd September, 1970.—The following rules framed by the High Court of Judicature at Patna in exercise of the powers conferred by section 16(2) of the *Advocates Act, 1961* are published for general information:—

(1) The Chief Justice and the Judges may, with the consent of an Advocate designate the Advocate as Senior Advocate, if in their opinion by virtue of his ability, experience and standing at the Bar the said Advocate is deserving of such distinction.

(2) The Chief Justice and the Judges may also, upon a written proposal made by a Senior Advocate, with the consent of the advocate concerned, endorsed thereon, designate such an advocate as Senior Advocate, if in their opinion, by virtue of his ability, experience and standing at the Bar the said advocate is deserving of such distinction. The written proposal may be forwarded either by a messenger or by post to the Registrar.

(3) An application by an Advocate for being designated as a Senior Advocate may be made to the Registrar stating therein the number of years his standing at the Bar and whether similar application had been made by him to any other court previously and with what result. The applications, so made, will be considered by the Chief Justice and the Judges and all such applicants whom the Judges may regard as deserving of distinction of being designated as Senior Advocates by virtue of ability, experience and standing at the Bar may be designated as Senior Advocates.

(4) The Advocate to be designated as Senior Advocate shall be of not less than ten years' standing, ordinarily practising within the jurisdiction of the Patna High Court.

(5) Upon conferment of the distinction on the advocate, the Registrar shall notify the same to the advocate concerned, and to the President of the High Court Bar Associations and the Bar Council of Bihar and India and the Registrar of the Supreme Court.

(6) A proposal or an application once rejected can not be renewed for two years.

PART IX WEST BENGAL ACTS AND ORDINANCES

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Published in the *Calcutta Gazette* Part III-A, No. 742, dated
October 16, 1969.

**The West Bengal Land (Requisition and Acquisition)
(Amendment) Ordinance, 1969.
West Bengal Ordinance No. XIII of 1969.**

Whereas it is expedient to amend the West Bengal Land (Requisition and Acquisition) Act, 1948, (West Ben. Act II of 1948) for the purpose and in the manner hereinafter appearing ;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the West Bengal Land (Requisition and Acquisition) (Amendment) Ordinance, 1969.

2. *Amendment of section 3 of West Ben. Act II of 1948.*—In subsection (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948, the words “for people residing in such areas” shall be omitted.

SHANTI S. DHAVAN,
Governor of West Bengal.

The 14th October, 1969.

Published in the *Calcutta Gazette* Part III-A, No. 24, dated
October 16, 1969.

**The Bengal Finance (Sales Tax) (Amendment) Ordinance 1969.
West Bengal Ordinance No. XIV of 1969.**

Whereas it is expedient to amend the Bengal Finance (Sales Tax) Act, 1941, for the purposes and in the manner hereinafter appearing ;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bengal Finance (Sales Tax) (Amendment) Ordinance, 1969.

(2) It shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and

the State Government may appoint different dates for different provisions of this Ordinance.

2. *Amendment of section 5 of Ben. Act VI of 1941*—In section 5 of the Bengal Finance (Sales Tax) Act, 1941 (hereinafter referred to as the said Act),—

(1) in sub-section (1),—

(i) after clause (a), the following clause shall be inserted, namely :—

“(aa) one-half of one per centum of such part of his taxable turnover as represents sales to a registered dealer of goods, other than those referred to in section 14 of the Central Sales Tax Act, 1956 (74 of 1956) and those included in Schedule II, of the class or classes specified in the certificate of registration of such dealer as being intended for re-sale by him in West Bengal, and of containers and other materials for the packing of goods of the class or classes so specified :

Provided that the provision of this clause shall not apply to any sale referred to therein unless, the dealer selling the goods furnishes in the prescribed manner a declaration containing prescribed particulars in the prescribed form obtainable in such manner and subject to such conditions and restrictions as may be prescribed from the prescribed authority duly filled up and signed by the registered dealer to whom the goods are sold.”;

(ii) in clause (bb), for the words ‘two per centum’, the words ‘one per centum’ shall be substituted ;

(iii) after clause (bb), the following clause shall be inserted, namely :—

“(bbb) two per centum of such part of his taxable turnover as represents sales of—

(i) yarn, other than cotton yarn,

(ii) tractors and power tillers to a person which are required by him for use in agriculture and spare parts, accessories and component parts thereof, and

(iii) fertilisers;”;

(iv) in clause (e), for the brackets, word and letters “(a), (b), (bb) (c) and (d)”, the brackets, word and letters “(a), (aa) (b), (bb), (bbb), (c) and (d)” shall be substituted ;

(2) in sub-section (2), in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely :—

“(ii) sales to a registered dealer of goods referred to in section 14 of the Central Sales Tax Act, 1956 (74 of 1956) and goods included in Schedule II, specified in the certificate of registration of such dealer as being intended for re-sale by him in West Bengal, and of containers and other materials for the packing of such specified goods;”.

3. *Amendment of section 5A*.—In section 5A of the said Act, for the words, brackets, figures and letters “in clause (bb) of sub-section (1), or sub-clause (ii) of clause (a) of sub-section (2)”, the words, brackets, figures and letters “in clause (aa) and (bb) of sub-section (1) or sub-clause (ii) of clause (a) of sub-section (2)” shall be substituted.

4. *Amendment of section 5B*.—In section 5B of the said Act, for the words, brackets, figures and letters “clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section”, the words, brackets, figures and letters “clauses (aa) and (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section” shall be substituted.

5. *Amendment of section 7.*—In section 7 of the said Act,—

(1) in sub-section (2), for the words, brackets, figures and letters “sub clauses (i) and (iii) of clause (bb) of sub section (1) or sub-clause (ii) of clause (a) of sub-section (2)”, the words, brackets, figures and letters “clause (aa), sub-clauses (i) and (iii) of clause (bb) of sub section (1) or sub-clause (ii) of clause (a) of sub-section (2)” shall be substituted;

(2) in sub section (3), for the words, brackets, figures and letters “sub-clauses (i) and (iii) of clause (bb) of sub-section (1) or sub-clause (ii) of clause (a) of sub-section (2)”, the words, brackets, figures and letters “clause (aa), sub-clauses (i) and (iii) of clause (bb) of sub-section (1), or sub clause (ii) of clause (a) of sub-section (2)” shall be substituted.

6. *Amendment of section 22.*—In section 22 of the said Act, in clause (cc) of sub-section (1), for the words, brackets, letters and figures “clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section”, the words, brackets, letters and figures “clauses (aa) and (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section” shall be substituted.

7. *Amendment of section 25.*—In section 25 of the said Act, after clause (g) of sub-section (3), the following clause shall be added, namely:—

“(h) to any person for purposes other than those referred to in clauses (a) to (g), if the State Government consider necessary in the public interest.”

8. *Amendment of section 26.*—In section 26 of the said Act, in clause (bb) of sub-section (2), for the words, brackets and letters “in the proviso to clause (bb)”, the words, brackets and letters “in the provisos to clauses (aa) and (bb)” shall be substituted.

9. *Amendment of Schedule I*—In Schedule I to the said Act,—

(1) in item 13, in column 2, the following entry shall be inserted, namely:—

“except tractors and power-tillers and spare parts, accessories and component parts thereof.”;

(2) item 14 and the entry relating thereto in column 1 shall be omitted;

(3) in item 15,—

(i) for the existing entry in column 1, the following entry shall be substituted, namely:—

“Cotton yarn”;

(ii) for the existing entry in column 2, the following entry shall be substituted, namely:—

“Except cotton hosiery yarn.”;

(4) in item 41, for the sub-items (b) and (c) in column 1, the following sub-items shall be substituted, namely:—

“(b) Khaddar or Khadi as defined in the West Bengal Khadi and Village Industries Board Act, 1959, except those made from silk yarn,

(c) Garments made of Khaddar or Khadi referred to in sub item (b).”

10. *Amendment of Schedule II.*—In Schedule II to the said Act, after serial No. 28 and the entry relating thereto, the following serial and entry shall be added, namely:—

“29. Diamond.”.

SHANTI S. DEAVAN,
Governor of West Bengal.

The 16th October, 1969.

Published in the *Calcutta Gazette*, Part III-A, No. 806, dated
November 15, 1969

**The Bengal Motor Spirit Sales Taxation (Amendment)
Ordinance 1969.**

West Bengal Ordinance No. XV of 1969.

Whereas it is expedient to amend the Bengal Motor Spirit Sales Taxation Act, 1941 (Ben. Act V of 1941) for the purpose and in the manner hereinafter appearing;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

1. *Short title.*—This Ordinance may be called the Bengal Motor Spirit Sales Taxation (Amendment) Ordinance, 1969.

2. *Amendment of section 3 of Ben. Act V of 1941.*—In section 3 of the Bengal Motor Spirit Sales Taxation Act, 1941, for sub-section (1), the following sub-section shall be substituted, namely:—

“Except as otherwise expressly provided in this Act, there shall be charged and levied on all retail sales of motor spirit effected after the date of commencement of the Bengal Motor Spirit Sales Taxation (Amendment) Ordinance, 1969, a tax at the rate of fifteen paise per litre, and such tax shall be payable to the State Government by the retail dealer:

Provided that—

(i) the tax on all retail sales of motor spirit required for use as fuel in aircrafts shall be charged at the rate of twelve paise per liter;

(ii) the tax on all retail sales of motor spirit, other than motor spirit required for use as fuel in aircrafts, which has a flashing point at or above 24.4 degrees Centigrade shall be charged at the rate of ten paise per litre;

(iii) the tax payable in respect of motor spirit sold to a retail dealer and used by such dealer for his own consumption shall be paid by such dealer.”

SHANTI S. DHAVAN.

Governor of West Bengal.

The 6th November, 1969.

West Bengal Appropriation (No 2) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III-A, No. 609, dated August 23, 1969.

West Bengal Act XIX of 1969.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta, Gazette*, Extraordinary, of the 23rd August, 1969.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidation Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1970

[Remaining text omitted.

Editor]

The West Bengal Salaries and Allowances (Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III, No. 638, dated September 8, 1969/Bhadra 17, 1891.

West Bengal Act XXI of 1969.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 8th September, 1969.]

An Act to amend the West Bengal Salaries and Allowances Act, 1952.

Whereas it is expedient to amend the West Bengal Salaries and Allowances Act, 1952 (West Ben. Act V of 1952), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Salaries and Allowances (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 25th day of February, 1969.

2. *Amendment of section 7 of West Ben. Act V of 1952.*—In section 7 of the West Bengal Salaries and Allowances Act, 1952 (hereinafter referred to as the said Act), for the words “shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as the State Government may by rules determine”, the words “shall, at such rates and upon such conditions as the State Government may by rules determine, be entitled to travelling and daily allowances while touring on public business and to reimbursement for medical expenses” shall be substituted.

3. *Amendment of section 8.*—In section 8 of the said Act, for the words “a Deputy Minister”, the words “a Minister of State” shall be substituted.

4. *Insertion of new section 8A.*—After section 8 of the said Act, the following section shall be inserted, namely :—

8A. *Discretionary drawing of reduced emoluments.*—Any person to whom the provisions of this Act apply may, in his discretion draw a lesser salary than that provided for him in this Act and may also draw any allowances to which he is entitled under this Act at a rate lesser than the rate provided for him under this Act.”

The Calcutta Thika Tenancy (Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette*, Part III, No. 762, dated October 30, 1969/Kartika 8, 1891.

West Bengal Act XXVIII of 1969.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 31st October, 1969.]

An Act to re-enact the provisions of the Calcutta Thika Tenancy (Amendment) Act, 1968.

Whereas certain amendments were made to the Calcutta Thika Tenancy Act, 1949 (West Ben. Act II of 1949) with certain consequential provisions by the Calcutta Thika Tenancy (Amendment) Act, 1968 (President's Act 2 of 1968) enacted by the President of India during the period

of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal;

And whereas it is expedient to re-enact the provisions of the said Calcutta Thika Tenancy (Amendment) Act, 1968;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title.*—This Act may be called the Calcutta Thika Tenancy (Amendment) Act, 1969.

2. *Amendment of section 1 of West Ben. Act II of 1949.*—In sub-section (2) of section 1 of the Calcutta Thika Tenancy Act, 1949 (hereinafter referred to as the said Act), the following words and figures shall be, and shall be deemed always to have been, omitted, namely:—

“such suburbs of Calcutta as may have been or may hereafter be notified under section 1 of the Calcutta Suburban Police Act, 1836 (Ben. Act II of 1836) and are not included within Calcutta as so defined and also”.

3. *Act to override other laws, etc.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force or in any rule, order or notification or in any contract, express or implied, and notwithstanding any decision of any court, tribunal or other authority to the contrary.

4. *Act to apply to certain suits, appeals, etc.*—The provisions of this Act shall apply to all suits, appeals and other proceedings (including proceedings in execution) pending at the commencement of the Calcutta Thika Tenancy (Amendment) Ordinance, 1967 (West Ben. Ord. IX of 1967).

5. *Validation.*—Anything done or any action taken contrary to the provisions of clause (b) of sub-section (1) of section 6 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954) in respect of any land situated within such suburbs of Calcutta to which the provisions of the said Act had before the commencement of the Calcutta Thika Tenancy (Amendment) Ordinance, 1967, extended, shall be deemed to have been as validly done or taken as if the said Act had not extended to the said suburbs of Calcutta when such thing was done or such action was taken.

The Calcutta Thika Tenancy (Second Amendment) Act, 1969.

The following Act of the West Bengal Legislature having been assented to by the President was published in the *Calcutta Gazette*, Ext., Part III, No. 766, dated October 30, 1969/Kartika 8 1891.

West Bengal Act XXIX of 1969.

[Passed by the West Bengal Legislature]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 30th October, 1969.]

An Act to amend the Calcutta Thika Tenancy Act, 1949.

Whereas it is expedient to amend the Calcutta Thika Tenancy Act, 1949 (West Ben. Act II of 1949), for the purposes and in the manner hereinafter appearing :

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title.*—This Act may be called the Calcutta Thika Tenancy (Second Amendment) Act, 1969.

NOTES

Object :—“It has been considered necessary that by further amendment of the Calcutta Thika Tenancy Act, 1949, the legitimate interests of a thika tenant should be properly safeguarded, the grounds on which a thika tenant can be ejected should be further restricted and that a thika tenant using the land for residential purpose should be given the right to erect pucca structures. It is also essential to ensure that the thika tenant discharges his obligations to the Bharatias by keeping the huts fit for habitation and by providing essential amenities like water-supply, conservancy and sanitary services.

The Bill has been framed with the above objects in view.” For the Statement of Objects and Reasons see the *Calcutta Gazette* Ext. Part IVA, No. 551, dated 5th August, 1969/Sarvana 14, 1891.

2. *Amendment of section 2 of West Ben. Act II of 1949.*—After clause (4) of section 2 of the Calcutta Thika Tenancy Act, 1949 (hereinafter referred to as the said Act), the following clause shall be inserted, namely :—

“(4a) “pucca structure” means any structure constructed mainly of brick, stone or concrete or any combination of these materials ;”.

3. *Substitution of new section for section 3.*—For section 3 of the said Act, the following section shall be substituted, namely :—

“3. *Grounds on which a thika tenant may be ejected.*—(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, a thika tenant shall, subject to the other provisions of this Act, be liable to ejection from his holding on one or more of the following grounds and not otherwise, namely :—

(i) on the ground that he has used the land comprised in his holding in a manner which renders it unfit for any of the purposes mentioned in clause (5) of section 2 ;

(ii) except during any period limited by a registered lease under which a thika tenant may hold the land comprised in the holding and subject to the provisions of sub-sections (2), (3) and (4), on the ground that the land is required by the landlord for his own occupation ;

(iii) when he holds the land comprised in the holding under a registered lease for a purpose other than a residential purpose, on the ground that the term of the lease has expired.

(2) No landlord shall be deemed to require the land comprised in the thika tenant's holding for his own occupation if he has a house of his own in the city in which such land is situated and the accommodation available in such house is, in the opinion of the Controller, reasonably sufficient for him and his family.

(3) Where the landlord requires the land comprised in the thika tenant's holding for his own occupation and the Controller is of opinion that such requirement may be substantially satisfied by ejecting the thika tenant from a part only of his holding and allowing him to continue in occupation of the rest, then, if the thika tenant agrees to such occupation, the Controller shall make an order accordingly and fix the proportionate rent for the portion remaining in the occupation of the thika tenant.

(4) Where the thika tenant has erected or acquired a pucca structure for a residential purpose on the land comprised in his holding, no

order for ejectment shall be made against him except in respect of such part, if any, of such land as does not appertain to the pucca structure".

4 *Amendment of section 4.*—In section 4,—

(1) in clause (a), for the words, figures and brackets "any of the grounds specified in clauses (i), (ii), (iii) and (v)"; the words, figures and brackets "the ground specified in clause (i) of sub-section (1)" shall be substituted;

(2) in clause (b), for the word, figure and brackets "clause (iv)", the words, figures and brackets "clause (ii) of sub-section (1)" shall be substituted;

(3) for the proviso, the following proviso shall be substituted, namely:—

"Provided that save as otherwise provided in any contract in writing, no thika tenant shall be ejected from his holding on the ground specified in clause (ii) of sub-section (1) of section 3 except on payment, to the thika tenant or on depositing with the Controller for payment to the thika tenant such compensation as may be agreed upon between the landlord and the thika tenant or, in the case where they do not agree, as may be determined in the prescribed manner by the controller on application by the landlord or the thika tenant."

5. *Amendment of section 5*—In sub-section (2), of section 5 of the said Act, the words, figure and brackets "clause (ii) of" shall be omitted.

6. *Omission of section, 6*—Section 6 of the said Act shall be omitted.

7. *Amendment of section 7*—In section 7 of the said Act,—

(1) for the words, figure and brackets "any of the grounds specified in clause (iv) the words, figure and brackets "the grounds specified in clause (ii) of sub-section (1)" shall be substituted;

(2) the words "or commence the building on, or the development of the land" shall be omitted;

(3) the proviso shall be omitted.

8. *Insertion of new section 7A.*—After section 7 of the said Act, the following section shall be inserted, namely:—

"7A. *Power of the Controller to set aside order for ejectment in certain cases*—(1) Where an order for ejectment of a thika tenant from his holding has been made by the Controller under section 5 before the date of commencement of the Calcutta Thika Tenancy (Second Amendment) Act, 1969, but the possession of the land comprised in the holding has not been recovered by the landlord from the thika tenant, the thika tenant may, within sixty days from such date apply to the Controller for setting aside the order.

(2) On receipt of an application under sub-section (1) the Controller shall cause a notice thereof to be served on the landlord; and if after considering such evidence as the parties may adduce,—

(a) the Controller is satisfied that the order for ejectment would have been made against the thika tenant even if the Calcutta Thika Tenancy (Second Amendment) Act, 1969 had been in force on the date on which such order was made, the Controller shall dismiss the application with such costs as the Controller may allow to the landlord; or

(b) the Controller is satisfied that no order for ejectment would have been made against the thika tenant if the Calcutta Thika Tenancy

(Second Amendment) Act, 1969, had been in force on the date on which such order was made, the Controller shall determine the amount which would have been payable by the thika tenant for the period commencing from such date and ending with the date of the order to be made under this sub-section, if the thika tenant had to pay rent at the rate at which it was last paid during such period and after deducting therefrom all such sums as the thika tenant may have deposited with the Controller or paid to the landlord on account of rent for such period, the Controller shall direct the thika tenant, by order, to deposit the remaining amount, together with such further amount as the Controller may allow to the landlord as his costs of the proceeding arising out of the application under sub-section (1) of section 5, within such time, not exceeding sixty days from the date of the order, as the Controller may fix.

(3) If the thika tenant deposits the amounts ordered by the Controller under clause (b) of sub-section (2) within the time fixed by him, the Controller shall allow the application under sub-section (1) and set aside the order of ejectment and dispose of the application of the landlord under sub-section (1) of section 5.

(4) If the thika tenant fails to deposit such amounts within such time, his application under sub-section (1) shall be dismissed with such costs as the Controller may award to the landlord."

9. *Amendment of section 10.*—In sub-section (2) of section 10 of the said Act.—

(1) for the words, figure and brackets "any of the grounds specified in clause (iv)", the words figures and brackets "the ground specified in clause (ii) of sub-section (1)" shall be substituted;

(2) for the words, figures and brackets "West Bengal Premises Rent Control (Temporary Provisions) Act, 1948", occurring at two places, the words and figures "West Bengal Premises Tenancy Act, 1956" shall be substituted.

10. *Insertion of new section 10A*—After section 10 of the said Act, the following section shall be inserted, namely :—

"10A. *Right of thika tenant to erect pucca structures.*—Notwithstanding anything contained in any other law for the time being in force or in any contract, but subject to the provisions of sub-sections (2) and (3), a thika tenant using the land comprised in his holding for a residential purpose may erect a pucca structure on such land for such purpose with the previous permission of the Controller.

(2) On an application made by a thika tenant in this behalf, the Controller may grant him permission to erect a pucca structure, if the Controller is satisfied that the thika tenant—

(a) is using the structure existing on the land comprised in his holding for a residential purpose,

(b) intends to use the pucca structure to be erected on such land for a similar purpose, and

(c) has obtained sanction of a building plan to erect the pucca structure from the municipal authorities of the area in which such land is situated.

(3) No thika tenant shall be entitled to eject a Bharatia from the structure or part thereof in the possession of the Bharatia for the purpose of erecting a pucca structure :

Provided that the thika tenant may by providing temporary alternative accommodation to a Bharatia obtain from him vacant possession of the structure in his possession on condition that immediately on the completion of the construction of the pucca structure the tenant shall offer the Bharatia accommodation in the pucca structure at a rent which shall in no case exceed by more than twenty five per centum the rent which the Bharatia was previously paying."

11. *Insertion of new sections 23A and 23B.*—After section 23 of the said Act, the following sections shall be inserted, namely :—

"23A. *Suit for arrears of rent.*—(1) Notwithstanding anything contained in any other law for the time being in force, no suit for the recovery of arrears of rent shall be instituted against a thika tenant unless the thika tenant has defaulted in the payment of rent for more than two months or periods.

(2) If in any suit instituted for the recovery of arrears of rent, it appears to the Court that the thika tenant has, without reasonable or probable cause, neglected or refused to pay the amount of rent due by him, the Court may award to the landlord in addition to the amount decreed for rent and costs such damages not exceeding twelve and a half per centum on the amount of rent decreed, as he thinks fit :

Provided that interest shall not be decreed when damages are awarded under this section.

(3) If in any suit instituted for the recovery of arrears of rent, it appears to the Court that the landlord has instituted the suit without reasonable or probable cause the Court may award to the thika tenant, by way of damages, such sum not exceeding twelve and a half per centum on the whole amount claimed by the landlord as he thinks fit.

23B. *Right of landlord to purchase holding in case of execution sale.*—

(1) Where any land comprised in the holding of a thika tenant is sold in execution of a decree obtained against him, the landlord may, within two months of the date of the sale, apply to the executing Court for the transfer of such land to him.

(2) The application shall be dismissed, unless the landlord at the time of making it, deposit in Court the amount of the price for which such land was sold together with compensation at the rate of five per centum of such amount.

(3) If such deposit is made the Court shall give the auction-purchaser notice of the application and an opportunity of being heard. If the Court is satisfied that the conditions referred to in sub-section (1) have been fulfilled, the Court shall make an order directing that the deposit made under sub-section (2) shall be paid to the auction-purchaser.

(4) From the date of the making of the order under sub-section (3) the right, title and interest in the land comprised in the holding accruing to the auction-purchaser by his purchase at the execution sale shall be deemed to have vested in the landlord free from any encumbrance which may have been created after the date of such sale and the Court may, on further application of the landlord, place him in possession of the land vested in him."

12. *Insertion of new section 32B.*—2. After section 32A of the said Act, the following section shall be inserted, namely :—

"32B. Duty of thika tenant to provide essential amenities for Bharatias.

—(1)—Notwithstanding anything contained in any other law for the time being in force or in any contract, it shall be the duty of every thika tenant to keep the structures let out to Bharatias, in a condition fit for habitation and to make such provisions for water-supply, conservancy and sanitary services as may be considered by the Controller essential, regard being had to the conditions of water-supply, conservancy and sanitary services prevailing in the area in which the holding is situated and the number of Bharatias in possession of the structures.

(2) Where the Controller is, on an application filed by Bharatia, satisfied that any structure let out to the Bharatia is unfit for habitation or that essential provisions for water-supply conservancy and sanitary services therein have not been made or if made, are not adequate, the Controller shall cause a notice to be served in the prescribed manner on the thika tenant requiring him to carry out within such time as may be specified in the notice, such works as, in his opinion, are necessary for making such structure fit for habitation or for securing such water-supply, conservancy and sanitary services as are essential.

(3) If after the service of such notice the thika tenant fails to show cause or neglects to carry out such works within the specified time, the Controller may, after giving the thika tenant an opportunity of being heard and after making such inquiries as he may consider necessary, make an order in writing specifying the works to be done and giving an estimate of costs of such works, and get such works executed by such agency as he may consider fit and thereafter all expenses incurred in executing the works together with interest thereon at the rate of six and a quarter per centum per annum from the date on which demand for expenses is made until payment, may be recovered by the Controller from the thika tenant as a public demand."

13. *Provisions to apply to pending applications and appeals.*—The amendments made to the said Act by this Act shall have effect in respect of all applications for ejectment of thika tenants, and all appeals from orders made on such applications, under the provisions of the said Act which are pending at the commencement of this Act.

14. *Repeal.*—The Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Act, 1969, (West Ben. Act III of 1969) is hereby repealed.

The West Bengal Premises Tenancy (Amendment) Act, 1969

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette*, Ext., Part III, No. 771, dated October 31, 1969/Kaitika 9, 1881.

West Bengal Act XXX of 1969

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette Extraordinary*, of the 31st October, 1969]

An Act to re-enact, with modification, the provisions of the West Bengal Premises Tenancy (Amendment) Act 1968

Whereas certain amendments were made to the West Bengal Premises Tenancy Act, 1956 (West Ben. Act XII of 1956) by the West Bengal Premises Tenancy (Amendment) Act, 1968 (President's Act 4 of 1968) enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of

February, 1968, under article 353 of the Constitution of India in relation to the State of West Bengal ;

And whereas it is expedient to re-enact, with modification, the provisions of the said West Bengal Premises Tenancy (Amendment) Act, 1968 ;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Premises Tenancy (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 26th day of August, 1967.

Notes

Object :—“The Bill has been framed with the object of re-enacting the provisions of the West Bengal Premises Tenancy (Amendment) Act 1968 (President's Act No. 4 of 1968), with the modification that a Controller, an Additional Controller or a Deputy Controller, whether in Calcutta or outside, may be a member of the Indian Administrative Service or the Executive or the Judicial Branch of the State Civil Service or the State Junior Civil Service. or be a Sub-Magistrate and Sub-Collector.” Vide Statement of Objects and Reasons printed in the *Calcutta Gazette* Ext., Part IV A, No. 553, dated August 5 1 69/- Srawana 14, 1891.

2. *Amendment of section 17 of West Ben. Act XII of 1956*—In section 17 of the West Bengal Premises Tenancy Act, 1956 (hereinafter referred to as the said Act),—

(1) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), on the application of the tenant, the Court may, by order,—

(a) extend the time specified in sub-section (1) or sub-section (2) for the deposit or payment of any amount referred to therein ;

(b) having regard to the circumstances of the tenant as also of the landlord and the total sum inclusive of interest required to be deposited or paid under sub-section (1) on account of default in the payment of rent, permit the tenant to deposit or pay such sum in such instalments and by such dates as the Court may fix :

Provided that where payment is permitted by instalments, such sum shall include all amounts calculated at the rate of rent for the period of default including the period subsequent thereto up to the end of the month previous to that in which the order under this sub-section is to be made with interest on any such amount calculated at the rate specified in sub-section (1) from the date when such amount was payable up to the date of such order.

(2B) No application for extension of time for the deposit or payment of any amount under clause (a) of sub-section (2A) shall be entertained unless it is made before the expiry of the time specified therefor in sub-section (1) or sub-section (2), and no application for permission to pay in instalment under clause (b) of sub-section (2A) shall be entertained unless it is made before the expiry of the time specified in sub-section (1) for the deposit or payment of the amount due on account of default in the payment of rent.”

(2) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) If a tenant fails to deposit or pay any amount referred to in

sub-section (1) or sub-section (2) within the time specified therein or within such extended time as may be allowed under clause (a) of sub-section (2A), or fails to deposit or pay any instalment permitted under clause (b) of sub-section (2A) within the time fixed therefor, the Court, shall order the defence against delivery of possession to be struck out and shall proceed with the hearing of the suit.”;

(3) in sub-section (4),—

(a) for the words, brackets and figure “or sub-section (2)”, the words, brackets, figures and letter “sub-section (2) or sub-section (2A)” shall be substituted;

(b) for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that a tenant shall not be entitled, to any relief under this sub-section if, having obtained such relief once in respect of the premises, he has again made default in the payment of rent for four months within a period of twelve months.”.

3. *Substitution of new sections for section 17A.*—For section 17A of the said Act, the following sections shall be substituted, namely:—

“17A. *Power of Court to set aside order striking out defence against delivery of possession.*—(1) Where in a suit pending at the date of commencement of the West Bengal Premises Tenancy (Amendment) Act, 1968 (President's Act 4 of 1968) the defence against delivery of possession was struck out by an order made under sub-section (3) of section 17 before such date, the tenant may, within a period of thirty days from such date, make an application to the Court which made such order to set aside such order.

(2) On receipt of an application under sub-section (1), the Court shall determine, after giving credit for every deposit or payment made by the tenant in accordance with the provisions of sub-section (1) or sub-section (2) of section 17, the total amount which the tenant remained liable to deposit or pay in accordance with such provisions up to the end of the month previous to that in which the order under this sub-section is to be made and direct the tenant, by order, to deposit such amount in the Court within a period of thirty days from the date of the order.

(3) If the tenant deposits such amount within such time, the Court shall allow the application under sub-section (1) and set aside the order made under sub-section (3) of section 17 striking out the defence against delivery of possession and permit the tenant to defend the claim for delivery of possession.

(4) If the tenant fails to deposit such amount within such time, his application under sub-section (1) shall be dismissed with such costs as the Court may award to the landlord.

17B. *Power of Court to set aside decree in cases where defence against delivery of possession struck out.*—Where a decree for the recovery of possession of any premises was passed before the commencement of the West Bengal Premises Tenancy (Amendment) Act, 1968, in a suit in which the defence against delivery of possession was struck out by an order under sub-section (3) of section 17, but the possession of such premises has not been recovered from the tenant by the execution of such decree, the tenant may, within a period of sixty days of such commencement, make an application to the Court which passed such decree to set aside such decree.

Explanation.—Where such decree has been passed in the exercise of appellate jurisdiction, an application under this sub-section shall be made to the Court of first instance.

(2) All proceedings in execution of such decree shall remain stayed during the period referred to in sub-section (1) and, where an application under that sub-section has been made by the tenant within such period, until such application is disposed of by the Court.

(3) On receipt of an application under sub-section (1) the Court shall cause a notice thereof to be served on the landlord and after hearing such evidence as the parties may adduce, determine—

(a) the total amount that the tenant was liable to deposit or pay in accordance with the provisions of sub-section (1) or sub-section (2) of section 17 during the period ending with the date of the decree for the recovery of possession, after giving credit for every deposit or payment made by the tenant in accordance with such provisions during such period ; and

(b) the total amount that the tenant remained liable to pay if he had to pay for the period commencing from the date of such decree and ending with the date of the order to be made under this sub-section a monthly sum equivalent to the rent at the rate at which it was last paid, after giving credit for all such sums that the tenant might have deposited in the Court or with the Controller or paid to the landlord for such period,

and direct the tenant, by order, to deposit in the Court the aggregate of the amounts referred to in clauses (a) and (b) within such time, not exceeding sixty days from the date of the order, as the Court may fix.

(4) If the tenant deposits the amount ordered by the Court within the time fixed by it, the Court shall allow the application under sub-section (1) and set aside the decree for the recovery of possession passed in the suit and the order made under sub-section (3) of section 17 striking out the defence against delivery of possession, and fix a date for proceeding with the hearing of the suit.

(5) If the tenant fails to deposit the amount ordered by the Court within the time fixed by it, his application under sub-section (1) shall be dismissed with such costs as the Court may award to the landlord.

17C. *Deposit under section 17A or section 17B to be deemed to be deposit as required by sub-section (1) or sub-section (2) of section 17.*—A tenant who deposits the amount as directed by the Court under sub-section (2) of section 17A or sub-section (3) of section 17B shall, for the purpose of sub-section (4) of section 17, be deemed to have duly made the deposit as required by sub-section (1) or sub-section (2) of section 17."

4. *Amendment of section 26*—For sub-section (6) of section 26 of the said Act, the following sub-section shall be substituted, namely :—

"(6) A Controller, an Additional Controller or a Deputy Controller appointed under this sub-section shall be a member of the Indian Administrative Service or the Executive or the Judicial Branch of the State Civil Service or the State Junior Civil Service or be a Sub-Magistrate and Sub-Collector".

5. *Retrospective effect.*—The amendments made to the said Act by section 2 of this Act shall have effect in respect of suits including appeals which are pending at the date of commencement of this Act.

The West Bengal Land Reforms (Second Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the Governor was published in the *Calcutta Gazette, Ext.*, Part III, No. 875, dated September 19, 1969/Bhadra 28, 1891.

West Bengal Act XXIII of 1969.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 19th September, 1969.]

An Act to re-enact the provisions of the West Bengal Land Reforms (Amendment) Act, 1968, and to make further amendments to the West Bengal Land Reforms Act, 1955.

Whereas certain amendments were made to the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) by the West Bengal Land Reforms (Amendment) Act, 1968, (President's Act I of 1968, enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal;

And whereas it is expedient to re-enact the provisions of the West Bengal Land Reforms (Amendment) Act, 1968, and to make further amendments to the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title.*—This Act may be called the West Bengal Land Reforms (Second Amendment) Act, 1969.

2. *Amendment of section 4 of West Ben. Act X of 1956.*—In section 4 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act), in sub-section (2B) for the words “a fine not exceeding three hundred rupees, and where the breach is a continuing one, a further fine not exceeding fifty rupees for each day”, the words “a fine not exceeding two thousand rupees, and where the breach is a continuing one, a further fine not exceeding two hundred rupees for each day” shall be substituted.

3. *Insertion of new section 16A.*—After section 16 of the said Act, the following section shall be inserted, namely:—

“16A. *Bargadar entitled to recover his share in certain cases.*—If the produce of any land cultivated by a bargadar is harvested and taken away, or if such produce after it is harvested by the bargadar is taken away, forcibly or otherwise, by the owner of such land, the bargadar shall be entitled to recover from such owner the share of the produce due to him or its money value.”

4. *Amendment of section 18.*—In section 18 of the said Act,—

(a) in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa), recovery of produce under section 16A,”;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The decision of any dispute referred to in clause (aa) of sub-section (1) shall specify the quantity of the produce recoverable from the owner by the bargadar as his share and also its money value which shall

be payable by the owner in default of delivery of such quantity of the produce."

5. *Insertion of new section 23B.*—After section 23A of the said Act, the following section shall be inserted, namely:—

"23B *Re-assessment of revenue and exemption from revenue of small holdings.*—(1) Notwithstanding anything contained in this Chapter,—

(a) where the total area of the holding or holdings held by a raiyat or where there are any other raiyat or raiyats among the members of the family to which the raiyat belongs, the total area of the holdings held by all the raiyats who are members of such family does not exceed 1 2141 hectares, the raiyat shall be exempted from paying revenue in respect of his holding or holdings:

Provided that such exemption shall not affect the liability of the raiyat to pay any cess imposed on him under the Cess Act, 1880 (Ben. Act IX of 1880) or the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930) or any other law for the time being in force on the basis of the present revenue of his holding or holdings;

(b) where the total area of the holding or holdings held by a raiyat or where there are any other raiyat or raiyats among the members of the family to which the raiyat belongs, the total area of the holdings held by all the raiyats who are members of such family:—

(i) exceeds 1.2141 hectares but does not exceed 2.8328 hectares, the revenue payable by the raiyat in respect of his holding or holdings shall be the same as the present revenue of such holding or holdings; or

(ii) exceeds 2.8328 hectares but does not exceed 4.0468 hectares, the revenue payable by the raiyat in respect of his holding or holdings shall be 1.25 times the present revenue of such holding or holdings; or

(iii) exceeds 4.0468 hectares but does not exceed 6.0703 hectares, the revenue payable by the raiyat in respect of his holding or holdings shall be twice the present revenue of such holding or holdings; or

(iv) exceeds 6.0703 hectares but does not exceed 8.0937 hectares, the revenue payable by the raiyat in respect of his holding or holdings shall be three times the present revenue of such holding or holdings; or

(v) exceeds 8.0937 hectares, the revenue payable by the raiyat in respect of his holding or holdings shall be four times the present revenue of such holding or holdings:

Provided that in no case shall the rate of revenue payable by a raiyat be less than Rs. 4 for every .4047 hectare or more than Rs. 20 for every .4047 hectare.

(2) Every raiyat shall submit a return in such form and manner and within such time as may be prescribed, stating—

(a) the area and such other particulars as may be prescribed of the holding or holdings of which he is the owner or part-owner, and

(b) the names and addresses of the other members of his family and his relationship with them.

(3) Any raiyat who wilfully makes any omission or incorrect statement in the return furnished by him under sub-section (2) or fails without any reasonable cause to submit such return within the prescribed time, shall, on the complaint of the Revenue Officer, be liable to a fine which may extend to one thousand rupees or in default to simple imprisonment which may extend to three months.

(4) The provisions of sub-section (1) shall take effect from the 1st day of Baisakh, 1376 B.S., but until an order is made by the Revenue Officer, after making such inquiry as may be prescribed, in respect of any holding either granting it exemption under clause (a) of sub-section (1) or, as the case may be, determining the amount of revenue payable for it under clause (b) of that sub-section, the raiyat shall continue to pay the present revenue in respect of such holding:

Provided that upon the order of the Revenue Officer being made any amount paid in excess by the raiyat shall be refunded to him and any deficiency shall be recovered from him as an arrear of revenue which shall not carry any interest.

Explanation.—For the purposes of this section,—

(1) “family” includes husband, wife, son, unmarried daughter, son’s wife, son’s son, and son’s unmarried daughter:

Provided that if the Revenue Officer is satisfied that any such person has formally severed his or her ties with the family and has no present or future interest in any property owned by any other member of the family, such person shall not be deemed to be a member of the family;

(2) “present revenue”, in relation to any holding, means the revenue payable by a raiyat in respect of such holding immediately before the commencement of the West Bengal Land Reforms (Second Amendment) Act, 1969.’

The West Bengal Taxation Laws (Amendment) Act, 1969

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* Ext., Part III, No. 734, dated October, 15, 1969/Asvina-23, 1891.

West Bengal Act XXV of 1969

[*Passed by the West Bengal Legislature*]

[Assent of the Governor was first published in the *Calcutta Gazette Extraordinary*, of the 15th October, 1969.]

An Act to re-enact, with modification, the provisions of the West Bengal Taxation Laws (Amendment) Act, 1968.

Whereas certain amendments were made to the Bengal Amusements Tax Act, 1922, (Ben. Act V of 1922) the Bengal Electricity Duty Act, 1935, (Ben. Act X of 1935) the Bengal Finance (Sales Tax) Act, 1941, (Ben. Act VI of 1941) the Bengal Agricultural Income-tax Act, 1944, (Ben. Act IV of 1944) the West Bengal Sales Tax Act, 1954 (West Ben. Act IV of 1954) and the West Bengal Taxes on Entry of Goods in Local Areas Act, 1962, (West Ben. Act XX of 1962) by the West Bengal Taxation Laws (Amendment) Act, 1968, (President’s Act 6 of 1968) enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal;

And whereas it is expedient to re-enact, with modification, the provisions of the said West Bengal Taxation Laws (Amendment) Act, 1968;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Taxation Laws (Amendment) Act, 1968.

(2) Clause (4) of section 2 and item (iii) (a) of sub-clause (b) of clause (2) of section 4 shall come into force at once ; clauses (3), (9) and (10) of section 2, section 3, clause (1), item (ii) of sub-clause (a) and items (iii) (d) (i) and (iii) (d) (iii) of sub-clause (b) of clause (2), and clauses (6), (7), (9) and (11) of section 4 and sections 6 and 7 shall be deemed to have come into force on the 16th day of November, 1967 ; clauses (1), (2), (5), (6), (7) and (8) of section 2 shall be deemed to have come into force on the 11th day of March, 1968 ; section 8 shall be deemed to have come into force on the 26th day of March, 1968 ; and items (i) (bb) (i), (i) (bb) (iii) and (i) (bb) (iv) and item (iii) of sub-clause (a) and items (i), (ii), (iii) (b), (iii) (c), (iii) (d) (ii) and (iii) (e) of sub-clause (b) of clause (2), clauses (3), (4), (5), (8) and (10) of section 4 shall be deemed to have come into force on the 1st day of May, 1968 ; and item (i) (bb) (ii) of sub-clause (a) of clause (2) of section 4 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of Bengal Act V of 1922.*—In the Bengal Amusements Tax Act, 1922—

(1) in the long title, and in the preamble, for the words “a tax”, the word “taxes” shall be substituted ;

(2) in section 2, the word “and” at the end of clause (8) shall be omitted, and after clause (8) as so amended, the following clause shall be inserted, namely :—

“(8a) “show tax” means a tax levied under section 3A; and”;

(3) in section 3, for sub-section (3a), the following sub-section shall be substituted, namely :—

“(3a) The rate of entertainments tax in the case of payments for admission to any cinematograph exhibition shall be as follows, namely:—

Where the payment excluding the amount of the tax—

(i) is twenty paise or more but is not more than fifty paise—

twenty-five per centum of such payment rounded off, if it is not a multiple of five paise, to the next higher multiple of five paise,

(ii) is more than fifty paise but is not more than one rupee twenty paise—

fifty per centum of such payment rounded off, if it is not a multiple of five paise to the next higher multiple of five paise,

(iii) is more than one rupee twenty paise but is not more than two rupees twenty-five paise—

seventy-five per centum of such payment rounded off, if it is not a multiple of five paise, to the next higher multiple of five paise,

(iv) is more than two rupees and twenty-five paise—

one hundred per centum of such payment rounded off, if it is not a multiple of five paise, to the next higher multiple of five paise.”;

(4) after section 3, the following section shall be inserted, namely:—

“3A *Additional tax on cinematograph exhibitions.*—(1) In respect of any cinematograph exhibition to which persons are admitted for payment, there shall be charged, levied and paid to the State Government, in addition to the entertainments tax payable under this Act, if any, a tax (herein-after referred to as the show tax) calculated at the following rates namely:—

(a) in respect of a cinematograph exhibition in Calcutta or any notified area, at the rate of one and a half paise for every person admitted to such exhibition ;

(b) in respect of a cinematograph exhibition in any municipal area other than a notified area, at the rate of one paise for every person admitted to such exhibition ;

(c) in respect of a cinematograph exhibition in any area not included in clause (a) or clause (b), at the rate of three-fourths paise for every person admitted to such exhibition.

(2) The show tax shall be recoverable from the proprietor.

Explanation.—In this section,—

(a) "Calcutta" means Calcutta as defined in the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

(b) "notified area" means a municipality or other area which is declared by the State Government by notification to be a notified area for the purposes of this Act ;

(5) in section 8,—

(a) in sub-section (1), after the words "The entertainments tax", the words "and the show tax" shall be inserted ;

(b) in sub-section (2), after the words "the entertainments tax", the words "and the show tax" shall be inserted ;

(6) in section 9, after the words "the amount of the entertainments tax", the words "and of the show tax" shall be inserted ;

(7) in sub-section (1) of section 10, after the words "on account of the entertainments tax", the words "or the show tax" shall be inserted ;

(8) in sub-section (1) of section 12, after the words "make rules for securing the payment of the entertainments tax", the words "and the show tax" shall be inserted ;

(9) in section 15, for the words "fifteen per cent" in the two places where they occur, the words "seventeen and a half per cent" shall be substituted.

(10) in sub-section (1) of section 18, for the words "fifteen per cent", the words "seventeen and a half per cent" shall be substituted.

3. *Amendment of Bengal Act X of 1935.*—In the Bengal Electricity Duty Act, 1935—

(1) in the First Schedule,—

(a) for article (1) of Part A, the following article shall be substituted, namely :—

(1) In respect of all premises not falling under article (2)—

(a) when the net charge of the licensee for the supply of energy for the purposes of lights or fans or both is less than 25 paise for each unit of energy consumed as follows, namely :—

in the case of a consumer whose consumption of energy during the month to which the calculation of duty relates,—

(i) does not exceed twenty-five units—Nil ;

(ii) exceeds twenty-five units but does not exceed sixty units—3 paise for each unit of energy consumed ;

(iii) exceeds sixty units—9 paise for each unit of energy consumed,

(b) in other cases—3 paise for each unit of energy consumed.

Explanation.—In this article, the expression "net charge" means the amount of charge that remains after deduction from the charge of the licensee for the supply of energy any rebate allowed by the licensee for prompt payment ;

(b) in clause (i) of article (a) of Part B, for the figure and words "1 naya paise", the figure and word "3 paise" shall be substituted ;

(2) in the Second Schedule, under the heading "Exemptions",—

(a) in article (8), for the words "fifteen units", the words "twenty-five units" shall be substituted ;

(b) in article (9), for the words "fifteen units", the words "twenty-five units" shall be substituted ;

(c) in *Explanation* (3), for the words "fifteen units" the words "twenty-five units" shall be substituted.

4. Amendment of Bengal Act VI of 1941.—In the Bengal Finance (Sales Tax) Act, 1941,—

(1) in section 2, before clause (a), the following clause shall be and shall always be deemed to have been inserted, namely :—

“(1a) “business” includes—

(i) any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture, whether or not such trade, commerce, manufacture, adventure or concern is carried on with the motive to make profit and whether or not any profit accrues from such trade, commerce, manufacture, adventure or concern ; and

(ii) any transaction in connection with, or ancillary or incidental to such trade, commerce, manufacture, adventure or concern ;” ;

(2) in section (5),—

(a) in sub-section (1),—

(i) after clause (b), the following clause shall be inserted, namely :—

“(bb) two per centum of such part of his taxable turnover as represents—

(i) sales to a registered dealer of goods, other than gold, of the class or classes specified in the certificate of registration of such dealer, as being intended for use by him directly in the manufacture in West Bengal of goods for sale, and of containers and other materials for the packing of goods of the class or classes so specified ;

(ii) sales to a registered dealer of containers and other materials for the packing of goods which are intended for use by him in the packing in West Bengal manufactured by him in West Bengal for sale ;

(iii) sales to a registered dealer engaged in the business of raising coal, of goods of the class or classes specified in the certificate of registration of such dealer, as being required for use by him directly in connection with the raising of coal in West Bengal for sale, and of containers and other materials for the packing of such goods ;

(iv) sales to any undertaking supplying electrical energy under a license or sanction granted or deemed to have been granted in accordance with the provisions of the Indian Electricity Act, 1910 (9 of 1910), or under the authority of any other law, of goods required for use by it directly in the generation or distribution of such energy either wholly in West Bengal or partly in West Bengal and partly in any place outside West Bengal, and of containers and other materials for the packing of such goods ;

Provided that the provisions of this clause shall not apply to any sale referred to therein unless the dealer selling the goods furnishes in the prescribed manner a declaration containing prescribed particulars in the prescribed form obtainable in such manner and subject to such conditions and restrictions as may be prescribed from the prescribed authority duly filed up and signed by the registered dealer to whom, or by the owner or representative of the undertaking to which, the goods are sold ;” ;

(ii) in clause (d), for the words “ten per centum,” the words “twelve per centum” shall be substituted ;

(iii) in clause (e), for the brackets and letters “(b), (c)”, the brackets and letters “(b), (bb), (c)” shall be substituted ;

(b) in sub-section (2),—

(i) for the words and figure "under section 4", the words, figures and brackets "under section 4 or under sub-section (3) of section 8" shall be substituted;

(ii) in clause (a),—

(a) in sub-clause (ii), the words "or for use by him directly in the manufacture in West Bengal of goods for sale" shall be omitted;

(b) sub-clauses (iii) and (iv) shall be omitted;

(c) in the proviso,—

(i) the words, brackets and figures "sub-clause (iii) or sub-clause (iv)" shall be omitted;

(ii) the words "or by the owner or representative of the undertaking to which," shall be omitted;

(iii) in clause (b),—

(a) in sub-clause (i) and sub-clause (ii), for the words, brackets and figures "sub-clauses (ii), (v) and (vi)", the words, brackets and figures "sub-clauses (i), (ii), (v), (va) and (vi)" shall be substituted;

(b) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

"(ia) two per centum of the balance remaining after making the deductions allowed by sub-clauses (i), (ii), (v), (va) and (vi) of clause (a) from that part of the turnover of a dealer which is taxable at the rate of two per centum of the turnover;"

(c) in sub-clause (iii), for the words, brackets and figures "sub-clauses (i) to (vi)", the words, brackets and figures "sub-clauses (i), (ii), (v), (va) and (vi)" shall be substituted;

(d) in sub-clause (iv),

(i) for the words "nine per centum", the words "ten and three-fourths per centum" shall be substituted;

(ii) for the words, brackets and figures "sub-clauses (ii) to (vi)", the words, brackets and figures "sub-clauses (i), (ii), (v), (va) and (vi)" shall be substituted;

(iii) for the words "ten per centum", the words "twelve per centum" shall be substituted;

(e) in sub-clause (v), for the words, brackets and figures "sub-clauses (i) to (vi)", the words, brackets and figures "sub-clauses (i), (ii), (v), (va) and (vi)" shall be substituted;

(3) in section 5 A, for the words, brackets, figures and letter "in sub-clauses (ii), (iii) and (iv) of clause (a) of sub-section (2)", the words, brackets, letters and figures "in clause (bb) of sub-section (1) or sub-clause (ii) of clause (a) of sub-section (2)" shall be substituted;

(4) in section 5B, for the words, brackets, letter and figures "clause (a) of sub-section (2) of section 5", the words, brackets, letters and figures "clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section" shall be substituted;

(5) in section 7,—

(a) in sub-section (2), for the words, brackets, figures and letter "sub-clause (ii) of clause (a) of sub-section (2)", the words, brackets, figures and letters "sub-clauses (i) and (iii) of clause (bb) of sub-section (1), or sub-clause (ii) of clause (a) of sub-section (2)", shall be substituted;

(b) in sub-section (3), for the words, brackets, figures and letter "sub-clause (ii) of clause (a) of sub-section (2)", the words, brackets,

figures and letters "sub-clauses (i) and (iii) of clause (bb) of sub-section (1), or sub-clause (ii) of clause (a) of sub-section (2)" shall be substituted;

(c) for sub-section (4a), the following sub section shall be substituted, namely:—

"(4a) The Commissioner may, for good or sufficient reasons to be recorded in writing,—

(i) demand from any registered dealer or any person who has applied for registration under this Act, after giving such dealer or person an opportunity of being heard, reasonable security for the proper payment of tax payable by him under this Act;

(ii) demand from any registered dealer or any undertaking supplying electrical energy to the public under a license or sanction granted or deemed to have been granted under the Indian Electricity Act, 1910 (9 of 1910) "reasonable security for the proper use and safe custody of the forms referred to in the proviso to clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section, whether obtained from the prescribed authority or furnished by the registered dealer or an undertaking to whom the goods have been sold.";

(6) in sub-section (1) of section 20,—

(i) for the words, brackets and figures "a notice issued under sub-section (3) of section 11 in respect thereof", the words "a notice of demand issued in respect thereof" shall be substituted;

(ii) after the proviso, the following Explanation shall be added, namely:—

"*Explanation.*—For the purposes of this sub-section, a notice of demand means any notice served according to the provisions of this Act for realisation of penalty or tax imposed thereunder." ;

(7) after section 20, the following section shall be inserted, namely:—

20A. Penalty for concealment of sales, furnishing of incorrect particulars, etc.—(1) If the Commissioner in the course of any proceedings under this Act, is satisfied that any dealer—

(a) has concealed any sales or any particulars thereof, or

(b) has furnished incorrect statement of his turnover or incorrect particulars of his sales in the return submitted under sub-section (2) of section 10 or otherwise,

with intent to reduce the amount of the tax payable by him under this Act, the Commissioner may, after giving such dealer a reasonable opportunity of being heard, by an order in writing direct that he shall, in addition to any tax or penalty already levied and payable by him under this Act, pay by way of penalty a sum not exceeding one and a half times the amount of the tax, if any, which would have been avoided by him if such concealed sales or particulars thereof were not taken into account, or such incorrect statement of turnover or particulars of sales were accepted as correct, in assessing the tax payable by him under this Act.

(2) Any penalty imposed under sub-section (1) shall be paid by the dealer into a Government treasury or the Reserve Bank of India by such date as may be specified by the Commissioner in a notice issued for this purpose and the date to be so specified shall not be less than fifteen days from the date of service such notice :

Provided that the Commissioner may, for reasons to be recorded in writing, extend the date of such payment or allow the dealer to pay the

penalty imposed in such number of instalments as the Commissioner may determine.

(3) Any amount of penalty that remains unpaid after the date specified in the notice referred to in sub-section (2) or, where such date has been extended under the proviso to that sub-section, after the expiry of the extended time, shall be recoverable as an arrear of land revenue payable to the Collector

Explanation.—In this section, "Commissioner" includes an Additional Commissioner of Commercial Taxes appointed under section 3A and a person appointed to assist the Commissioner under sub-section (1) of section 3";

(8) in clause (cc) of sub-section (1) of section 22, for the words, letter and figures "clause (a) of sub-section (2) of section 5", the words, letters and figures "clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section" shall be substituted ;

(9) in sub-section (3) of section 25, after clause (d), the following clause shall be inserted, namely :—

"(dd) to an officer of the Central Government or the State Government for the audit of receipts and refunds of the tax imposed under this Act," ;

(10) for clause (bb) of sub-section (2) of section 26, the following clause shall be substituted, namely :—

"(bb) the particulars to be contained in a declaration referred to in the proviso to clause (bb) of sub-section (1) of section 5 and in a declaration referred to in the proviso to clause (a) of sub-section (2) of that section, the forms of such declarations, the manner in which, the conditions and restrictions subject to which and the authority from which such forms shall be obtainable, and the manner in which such declarations are to be furnished," ;

(11) in Schedule II,—

(a) in the entry relating to serial No. 13, for the words "and duplicating machines", the words "duplicating machines and address Printing machines" shall be substituted ;

(b) after serial No. 16 and the entry relating thereto, the following shall be added, namely :—

"17. Cushions, mattresses, pillows and other articles made wholly or partly of artificial or synthetic resin and plastic foam.

(18) Vacuum flasks of all kinds and descriptions including refills for such flasks.

19. Articles made wholly or principally of stainless steel except tumblers, dishes and plates (only such varieties of them as are commonly known as gelas, thala and rekabi, respectively).

20. Furniture made wholly or principally of iron or steel.

21. Furniture made wholly or principally of aluminium.

22. Upholstered wooden furniture

23. Perambulators including push-chairs for babies and spare parts, accessories and component parts thereof.

24. Carpets of all varieties and descriptions.

25. Linoleum.

26. Lifts, whether operated by electricity or steam, and spare parts, accessories and component parts thereof

27. Exhaust fans and air circulators and spare parts, accessories and component parts thereof.

28. Electric heaters of all varieties and descriptions.”.

5. *Amendment of Bengal Act IV of 1944.*—In the Bengal Agricultural Income-tax Act, 1944, for the existing Schedule, the following Schedule shall be substituted, namely :—

‘THE SCHEDULE.

(See section 3)

Rates of Agricultural Income-tax.

A. (1) In the case of every individual, Hindu undivided family (other than a Hindu undivided family consisting of brothers only)—

	Rate
(a) on the first Rs. 1,500 of the total agricultural income.	Nil
(b) on the next Rs. 3,500 of the total agricultural income.	5 paise in the rupee.
(c) on the next Rs. 5,000 of the total agricultural income.	8 paise in the rupee.
(d) on the next Rs. 5,000 of the total agricultural income.	12 paise in the rupee.
(e) on the next Rs. 5,000 of the total agricultural income.	19 paise in the rupee.
(f) on the next Rs. 10,000 of the total agricultural income.	30 paise in the rupee.
(g) on the next Rs. 10,000 of the total agricultural income.	40 paise in the rupee.
(h) on the balance of the total agricultural income.	50 paise in the rupee.

(2) In the case of every Hindu undivided family which consists of brothers only—

	Rate.
(a) if the share of a brother in Rs. 3,000 or less.	2 paise in the rupee.
(b) if the share of a brother exceeds the average rate Rs. 3,000.	applicable to the share of such brother if he were assessed as an individual:

Provided that—

(i) no agricultural income-tax shall be payable on a total agricultural income which does not exceed Rs. 3,000

(ii) the agricultural income-tax payable shall in no case exceed half the amount by which the total agricultural income exceeds Rs. 3,000.

Explanation.—For the purposes of this Schedule—

(i) “brother” includes the son, and the son of a son of a brother and the widow of a brother;

(ii) “share of a brother” means the portion of the total agricultural income of a Hindu undivided family which would have been allotted to a brother if a partition of the property of such family had been made on the last day of the previous year;

(iii) “average rate” means the amount of agricultural income-tax payable by an individual on his total agricultural income divided by the amount of such total agricultural income.

B. In the case of every company, firm or other association of persons—

Rate.

On the whole of the total agricultural in- 50 paise in the rupee.'
come.

6. *Amendment of West Bengal Act IV of 1954.*—In the West Bengal Sales Tax Act, 1954, in sub-section (3) of section 19, for clause (a), the following clause shall be substituted, namely:—

- “(a) of any of the particulars referred to in sub-section (1)—
(i) for the purposes of any prosecution under the Indian Penal Code, (Act 45 of 1860), the Prevention of Corruption Act, 1947 (Act 2 of 1947) or this Act in respect of any such return, accounts, registers, vouchers, documents, information or evidence, or for the purpose of any preliminary inquiry for ascertaining whether such prosecution lies, or
(ii) to an officer of the Central Government or the State Government for the audit of receipts and refunds of the tax imposed under this Act; or”.

7. *Amendment of West Bengal Act XX of 1962.*—In the West Bengal Taxes on Entry of Goods in Local Areas Act, 1962, in sub-section (2) of section 20, for clause (a), the following clause shall be substituted, namely:—

- “(a) of any particulars referred to in sub-section (1)—
(i) for the purposes of a prosecution under the Indian Penal Code (Act 45 of 1860) or this Act in respect of such particulars, or any preliminary inquiry for ascertaining whether such prosecution lies, or
(ii) to an officer of the Central Government or the State Government for the audit of receipts and refunds of the tax imposed under this Act; or”.

8. *Repeal and savings.*—(1) The West Bengal Taxation Laws (Amendment) Second Ordinance, 1968, (West Ben. Ord. V of 1968) is repealed.

(2) Anything done or any action taken (including any order made, proceeding commenced, obligation or liability incurred), or deemed to have been done or taken, under the Bengal Amusements Tax Act, 1922, (Ben. Act V of 1922) or the Bengal Electricity Duty Act, 1935, (Ben. Act X of 1935) or the Bengal Finance (Sales Tax) Act, 1941, (Ben. Act VI of 1941) or the Bengal Agricultural Income-tax Act, 1944, (Ben. Act IV of 1944) or the West Bengal Sales Tax Act, 1954, (West Ben. Act IV of 1954) or the West Bengal Taxes on Entry of Goods in Local Areas Act, 1962, (West Ben. Act XX of 1962) as amended by the said Ordinance shall continue to be in force and shall be deemed to have been done, taken, made, commenced, or incurred, as the case may be, under the Bengal Amusements Tax Act, 1922, or the Bengal Electricity Duty Act, 1935, or the Bengal Finance (Sales Tax) Act, 1941, or the Bengal Agricultural Income-tax Act, 1944 or the West Bengal Sales Tax Act, 1954 or the West Bengal Taxes on Entry of Goods in Local Areas Act, 1962 as the case may be, as amended by this Act as if this Act were in force on the date on which such thing was done, such action was taken, such order was made, such proceeding was commenced and such obligation or liability was incurred:

Provided that for the period commencing from the 16th day of November, 1967, and ending with the 8th day of January, 1968, nothing in this sub-section shall preclude the State Government from realising any tax under the Bengal Finance (Sales Tax) Act, 1941, or render the

State Government liable to refund any such tax already realised, at the rate of twelve per centum in respect of—

(a) tumblers, dishes and plates, wholly or principally made of stainless steel ; and

(b) electric fans and spare parts, accessories and component parts thereof.

By order of the Governor,

R. R. BISWAS,

Secy. to the Government of West Bengal.

**The Cooch Behar (Assimilation of State Laws) (Amendment)
Act, 1969.**

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III, No. 6778, dated September 22 1969/Bhadra 31, 1891.

West Bengal Act XXIV of 1969.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 22nd September, 1969]

An Act to amend the Cooch Behar (Assimilation of State Laws) Act, 1950.

Whereas it is expedient to amend the Cooch Behar (Assimilation of State Laws) Act, 1950, (West Ben. Act LXIII of 1950) for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1969.

2. *Amendment of section 3 of West Ben Act LXIII of 1950.*—In the Cooch Behar (Assimilation of State Laws) Act, 1950, in the proviso to sub-section (3) of section 3, after the words "come into force in, Cooch Behar" the words "or such part thereof as may be specified in the notification" shall be added.

**The Calcutta Police and the Calcutta Suburban Police
(Amendment) Act 1969**

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* Ext., Part III, No. 760, dated October 29, 1969/Kartika 7, 1891.

West Bengal Act XXVII of 1969

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette* Extraordinary, of the 29th October, 1969.]

An Act to re-enact, with modification, the provisions of the Calcutta Police and the Calcutta Suburban Police (Amendment) Act, 1968.

Whereas certain amendments were made to the Calcutta Police Act, 1866 (Ben. Act IV of 1866) and the Calcutta Suburban Police Act, 1866 (Ben) (Act II of 1866) by the Calcutta Police and the Calcutta Suburban Police (Amendment) Act, 1968 (President's Act 29 of 1968) enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal ;

And whereas it is expedient to re-enact, with modification, the provisions of the said Calcutta Police and the Calcutta Suburban Police (Amendment) Act, 1968 ;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

PART I

Preliminary

1. *Short title.*—This Act may be called the Calcutta Police and the Calcutta Suburban Police (Amendment) 1969.

PART II

Amendments to the Calcutta Police Act, 1866.

2. *Amendment of section 3 of Ben. Act IV of 1866.*—In section 3 of the Calcutta Police Act, 1866 (hereinafter referred to as the Calcutta Police Act), in the paragraph relating to the definition of "Police-officer", for the words "and shall include the Commissioner of Police and a Deputy Commissioner of Police", the words "and shall include the Commissioner of Police, an Additional Commissioner of Police, a Joint Commissioner of Police, a Deputy Commissioner of Police, an Additional Deputy Commissioner of Police and an Assistant Commissioner of Police" shall be substituted.

3. *Substitution of new section for section 5.*—For section 5 of the Calcutta Police Act, the following section shall be substituted namely :—

5. *"Appointment of Additional, Joint, Deputy, Additional Deputy and Assistant Commissioners of Police.*—(1) The State Government may, from time to time, appoint one or more Additional, Joint, Deputy, Additional Deputy or Assistant Commissioners of Police, who shall be competent to perform, exercise and discharge such of the duties, powers and functions of the Commissioner of Police as are assigned under his orders to any such Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police.

(2) An Additional Commissioner of Police shall be subordinate to the Commissioner of Police, a Joint Commissioner of Police shall be subordinate to the Additional Commissioner of Police, a Deputy Commissioner of Police shall be subordinate to the Joint Commissioner of Police, an Additional Deputy Commissioner of Police shall be subordinate to the Deputy Commissioner of Police and an Assistant Commissioner of Police shall be subordinate to the Deputy Commissioner of Police and where there is an Additional Deputy Commissioner of Police, also to the Additional Deputy Commissioner of Police."

4. *Amendment of section 7.*—In section 7 of the Calcutta Police Act, in the second paragraph, for the words "The deputies to the Commissioner of Police may be appointed Justices of the Peace", the words "Any Additional Joint, Deputy or Additional Deputy Commissioner of Police may be appointed as a justice of the Peace" shall be substituted.

5. *Amendment of section 9B.*—In section 9B of the Calcutta Police Act, in the proviso to sub-section (1), for the words "to one of his deputies," the words "to any Additional, Joint, Deputy Additional Deputy or Assistant Commissioner of Police" shall be substituted.

6. *Amendment of section 20A.*—In section 20A of Calcutta Police Act,—

(a) in the proviso to sub-section (2), for the words "to any Deputy Commissioner of Police", the words "to any Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police" shall be substituted ;

(b) in sub-section (5), for the words "the Deputy Commissioner of Police", the words "the Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police" shall be substituted.

7. *Amendment of section 39*.—Section 39 of the 'Calcutta Police Act' shall be renumbered as sub-section (1) thereof and—

(a) to sub-section (1) as so renumbered, the following proviso shall be added, namely :—

"Provided that the said Commissioner may, by order, refuse to grant any licence under this sub-section, if, for reasons to be recorded in writing he is of the opinion that—

(i) the character or antecedents of the applicant for such licence or the nature of the trade or calling pursued by him, make him unsuitable for the grant of such licence ; or

(ii) the location of the house or place of public resort and entertainment, in respect of which such licence is required is unsuitable for the grant of such licence on the ground of congestion of traffic, want of adequate space for parking vehicles or difficulty in maintaining public peace, order or safety or on any other similar grounds ;"

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

2. "Any person aggrieved by an order refusing to grant a licence under the proviso to sub section (1) may, within thirty days from the date of such order, prefer an appeal against such order to the State Government and the State Government may, after giving the appellant an opportunity of being heard confirm modify or set aside such order."

PART III

Amendments to the Calcutta Suburban Police Act, 1866.

8. *Amendment of section 3B of Ben. Act II of 1866*.—In section 3B of the Calcutta Suburban Police Act, 1866 (hereinafter referred to as the Suburban Police Act), in the proviso to sub-section (1), for the words "to one of his deputies", the words "to any Additional Joint Deputy Additional, Deputy or Assistant Commissioner of Police" shall be substituted.

9. *Amendment of section 14A*.—In section 14A of the Suburban Police Act,—

(a) in the proviso to sub-section (2), for the words "to any Deputy Commissioner of Police", the words "to any Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police" shall be substituted ;

(b) in sub-section (5), for the words "the Deputy Commissioner of Police", the words "the Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police," shall be substituted.

10. *Amendment of section 22*.—Section 22 of the Suburban Police Act shall be renumbered as sub-section (1) thereof, and,—

(a) to sub-section (1) as so renumbered, the following proviso shall be added namely :—

"Provided that the said Commissioner may, by order, refuse to grant any licence under this sub-section, if, for reasons to be recorded in writing, he is of the opinion that—

(i) the character or antecedents of the applicant for such licence or the nature of the trade or calling pursued by him, make him unsuitable for the grant of such licence ; or

(ii) the location of the house or place of public resort and entertainment in respect of which such licence is required is unsuitable for the grant of such licence on the ground of congestion of traffic, want of adequate space for parking vehicles or difficulty in maintaining public peace, order or safety or on any other similar ground.”;

(b) after sub section (1) as so renumbered; the following sub-section shall be inserted, namely:—

“(2) Any person aggrieved by an order refusing to grant a licence under the proviso to sub section (1) may, within thirty days from the date of such order, prefer an appeal against such order to the State Government and the State Government may, after giving the appellant an opportunity of being heard, confirm, modify or set aside such order.”.

11. *Amendment of section 50.*—In section 50 of the Suburban Police Act, for the words “A Deputy Commissioner of Police”, the words “the Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police” shall be substituted.

12. *Amendment of section 51.*—In section 51 of the Suburban Police Act in the paragraph relating to the definition of “Police-officer”, for the words “and shall include the Commissioner of Police and a Deputy Commissioner of Police”, the words “and shall include the Commissioner of Police, an Additional Commissioner of Police, a Joint Commissioner of Police, a Deputy Commissioner of Police, an Additional Deputy Commissioner of Police and an Assistant Commissioner of Police” shall be substituted.

Published in the *Calcutta Gazette*, Ext. Part III A, No. 39, dated January 19, 1970/Pousa 29, 1891.

The City Civil Court (Saving of Limitation of Suits and Proceedings) Ordinance, 1969.

West Bengal Ordinance No. III of 1970

WHEREAS it is expedient to provide for the saving of limitation of certain suits and proceedings which were to be barred by limitation if not instituted or commenced in the High Court on the date of its re-opening after its long vacation in 1969 but which ceased in the meantime to be triable by that Court, and became triable by the City Civil Court, by reason of the passing of the City Civil Court (Amendment) Act, 1969, (West Ben. Act XXXV of 1969).

AND WHEREAS the legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement*—(1) This Ordinance may be called the City Civil Court (Saving of Limitation of Suits and Proceedings) Ordinance, 1969.

(2) It shall be deemed to have come in to force on the 14th day of November, 1969.

2 *Definitions.*— In this Ordinance,—

(a) "City Civil Court" means the Court established under section 3 of the City Civil Court Act, 1953; (West Ben. Act XXI of 1953).

(b) "High Court" means the High Court at Calcutta;

(c) "proceeding" has the same meaning as in the City Civil Court Act, 1953.

3 *Saving of limitation of certain suits and proceedings triable by the City Civil Court*—Any suit or proceeding which, but for the passing of the City Civil Court (Amendment) Act, 1969, (West Ben. Act XXXV of 1969) would have been triable by the High Court in the exercise of its original civil jurisdiction and would have been barred by limitation if not instituted or commenced in that Court on the 19th day of November, 1969, may, notwithstanding anything contained in the Limitation Act, 1963 (Act 36 of 1963), be instituted or commenced within fourteen days from the date of publication of this Ordinance in the *Official Gazette* in the City Civil Court, if that Court acquired jurisdiction to try such suit or proceeding after the passing of the City Civil Court (Amendment) Act, 1969, and such suit or proceeding if so instituted or commenced shall be deemed to have been instituted or commenced before the expiry of the period of limitation prescribed therefor by the Limitation Act, 1963.

SHANTI S. DHAVAN,
Governor of West Bengal.

The 17th January, 1970.

The Presidency Small Cause Courts (West Bengal Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* Ext., Part III, No. 796 dated November 12, 1969/Kartika 21, 1891.

West Bengal Act XXXII of 1969

[Passed by the West Bengal Legislature.]

(Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 12th, 1969.)

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to West Bengal.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, (Act XV of 1882.) in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twentieth Year of the Republic of India by the Legislature of West Bengal, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Presidency Small Cause Courts (West Bengal Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Application.*— The Presidency Small Cause Courts Act, 1882 (hereinafter referred to as the said Act), shall in its application to West Bengal, be amended in the manner hereinafter provided.

Amendment of section 18 of Act XV of 1882.— In section 18 of the said Act,—

(1) for the words “does not exceed two thousand rupees”, the words “does not exceed five thousand rupees” shall be substituted;

(2) in *Explanation 1*, for the words “not exceeding two thousand rupees”, the words “not exceeding five thousand rupees” shall be substituted.

4. *Amendment of section 41.*— In section 41 of the said Act, for the words “two thousand rupees”, the words “five thousand rupees” shall be substituted.

5. *Amendment of the Third Schedule.*— For the part marked E of the Third Schedule to the said Act, the following part shall be substituted namely:—

“E

(See section 68.)

In the Small Cause Court for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR
HOUSE-RENT.

Sums sued for		Affidavit and warrant to distrain	Order to sell	Commis- sion.	Total
Rs.	Rs.	Rs.p.	R.p.	Rs.p.	Rs.p.
1 and under	5	0.25	0.50	0.50	1.25
5 and under	10	0.50	0.50	1.00	2.00
10 and under	15	0.50	0.50	1.50	2.50
15 and under	20	0.50	1.00	2.00	3.50
20 and under	25	0.75	1.00	2.50	4.25
25 and under	30	1.00	1.00	3.00	5.00
30 and under	35	1.00	1.00	3.50	5.50
35 and under	40	1.00	1.50	4.00	6.50
40 and under	45	1.25	2.00	4.50	7.75
45 and under	50	1.50	2.00	5.00	8.50
50 and under	60	2.00	2.00	6.00	10.00
60 and under	80	2.50	2.50	6.50	11.50
80 to	100	3.00	3.00	7.00	13.00
Upwards of	100	3.00	3.00	7 per centum.	

The above scale includes all expenses, except in suits where the tenant disputes the landlord's claim and witnesses have to be subpoenaed, in which case each subpoena for sums under Rs. 40 must be paid for at twenty-five paise each, and seventy-five paise above that amount; and also where peons are kept in charge of property distrained, such sum not exceeding fifty paise per day as may be fixed from time to time by the Chief Judge must be per paid man”.

6. *Substitution of a Schedule for the Fourth Schedule.*— For the Fourth Schedule to the said Act, the following Schedule shall be substituted, namely:—

“THE FOURTH SCHEDULE

[See Section 72.]

FEES FOR SUMMONSES AND OTHER PROCESSES

When the amount or value of the subject matter exceeds	But does not exceed	Fee for summonses	Fee for other processes
Rs.	Rs.	Rs. p.	Rs. p.
0	10	0.15	0.15
10	20	0.25	0.25
20	50	0.50	0.50
50	100	1.00	1.00
100	200	1.25	2.00
200	300	1.50	3.00
300	400	1.75	4.00
400	500	2.00	5.00
500	600	2.25	6.00
600	700	2.50	7.00
700	800	2.75	8.00
800	900	3.00	9.00
900	1,000	3.25	10.00
1,000	1,100	3.40	10.50
1,100	1,200	3.50	11.00
1,200	1,300	3.65	11.50
1,300	1,400	3.75	12.00
1,400	1,500	3.90	12.50
1,500	1,600	4.00	13.00
1,600	1,700	4.15	13.50
1,700	1,800	4.30	14.00
1,800	1,900	4.45	14.50
1,900	2,000	4.60	15.00
2,000	2,200	4.75	15.50
2,200	2,400	4.90	16.00
2,400	2,600	5.05	16.50
2,600	2,800	5.20	17.00
2,800	3,000	5.35	17.50
3,000	3,200	5.45	17.75
3,200	3,400	5.55	18.00
3,400	3,600	5.65	18.25
3,600	3,800	5.75	18.50
3,800	4,000	5.85	19.00
4,000	4,200	5.95	19.15
4,200	4,400	6.05	19.30
4,400	4,600	6.20	19.45
4,600	4,800	6.30	19.60
4,800	5,000	6.40	19.75."

7. *Saving of suits and proceedings pending in High Court or City Civil Court.*— Nothing contained in this Act shall affect any suit or proceeding pending in the High Court or in the City Civil Court, Calcutta on the date on which this Act comes into force, and every such suit or proceeding shall be continued as if this Act had not been passed.

**The West Bengal Estates Acquisition (Amendment), Act, 1969.
West Bengal Act XXXI of 1969.**

The following Act of the West Bengal Legislature, having been assented to by the President was published in the *Calcutta Gazette* Ext., Part III, No. 780, dated November 3, 1969/Kartika 12, 1891.

[Passed by the West Bengal Legislature]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1969.]

An act to amend the West Bengal Estates Acquisition Act, 1953.

Whereas it is expedient to amend the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twentieth Year of the Republic of India by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Estates Acquisition (Amendment) Act, 1969.

2. *Amendment of section 6 of West Bengal Act I of 1954.*—To sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as the said Act), the following proviso shall be, and shall be deemed always to have been, added namely :—

“Provided that the State Government may, if it thinks fit so to do after reviewing the circumstances of a case and after giving the intermediary or the lessee, as the case may be, an opportunity of being heard, revise any order made by it under this sub-section specifying the land which the intermediary or the lessee shall be entitled to retain as being required by him for the tea-garden, mill, factory or workshop, as the case may be.”

3. *Amendment of section 42.*—In section 42 of the said Act, after sub-section (2), the following sub-sections shall be added, namely :—

“(3) Notwithstanding anything to the contrary contained in the proviso to sub-section (2) of section 6 or in any contract, where any land comprised in a tea-garden is held under a lease, the rent payable by the lessee in respect of such land shall be the rent determined by the Revenue Officer in the manner specified in sub-section (2).

Explanation.—In this sub-section “lease” includes a lease granted directly by the State Government.

(4) Notwithstanding anything to the contrary contained in any judgment, decree or order of any court or tribunal or in any law, the rent determined under sub-section (2) or sub-section (3) shall take effect and shall be deemed always to have taken effect from the date of vesting.’

4. *Amendment of section 44.*—In section 44 of the said Act, in sub-section (2a), for the words “within twelve years”, the words “within fifteen years” shall be substituted.

Published in the *Calcutta Gazette*, Ext., Part IIIA, No. 876, dated December 15, 1969/Agrahayana 15, 1891.

The West Bengal Court-fees Ordinance, 1969.

West Bengal Ordinance No. XVII of 1969.

Whereas it is expedient to amend and consolidate the law relating to court-fees in the State of West Bengal ;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by

clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

CHAPTER I

Preliminary

1 *Short title, extent, commencement and application.*—(1) This Ordinance may be called the West Bengal Court-fees Ordinance, 1969.

(2) It extends to the whole of the State of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) The provisions of this Ordinance shall not apply to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government.

(5) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Ordinance relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.

Notes

Date of commencement :—No. 14609-J.—30th December, 1969 — In pursuance of the provisions of sub-section (3) of section 1 of the **West Bengal Court fees Ordinance, 1969** (West Bengal Ordinance No. XVII of 1969), as published at pages 4179-4215 of the "Calcutta Gazette Extraordinary", dated 15th December, 1969, Part IIIA, the Governor is pleased hereby to appoint the 10th day of January 1970 as the date on which the said Ordinance shall come into force. Published in the *Calcutta Gazette*, Ext. No. 907 Part I, dated, December, 30, 1969/Pausa 9, 1891.

2. *Definitions.* — In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) "appeal" includes a cross-objection ;

(2) "Collector" includes any officer not below the rank of a Sub-Deputy Collector appointed by the Collector to perform the functions of a Collector under this Ordinance ;

(3) "Court" means any Civil, Revenue or Criminal Court and includes a Tribunal or other authority having jurisdiction under any local or special law to decide questions affecting the rights of parties ;

(4) "suit" includes an appeal from a decree except in section 9 ;

(5) expressions used and not defined in this Ordinance or in the Bengal General Clauses Act, 1899 (Ben. Act 1 of 1899, but defined in the Code of Civil Procedure 1908, (5 of 1908), shall have the meanings respectively assigned to them in the said Code.

CHAPTER II

Fees payable in Courts and in Public Offices

3. *Levy of fees in Court of Small Causes Calcutta.*—The fees for the time being chargeable in the Court of Small Causes at Calcutta, and its office shall be collected in the manner hereinafter appearing.

4. *Levy of fee in Courts and public offices.*—(1) No document which is chargeable with fee under this Ordinance shall—

(i) be filed, exhibited or recorded in, or be acted on or furnished by any Court including the High Court, or

(ii) be filed, exhibited or recorded in any public office or be acted on or furnished by any public officer.

unless in respect of such document there be paid a fee of an amount not less than that indicated as chargeable under this Ordinance ;

Provided that, whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in

the opinion of the Court, necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such filing or exhibition.

(2) Notwithstanding anything contained in sub-section (1) or in any other Act, a Court may receive a plaint or memorandum of appeal in respect of which an insufficient fee has been paid subject to the condition that the plaint or memorandum of appeal shall be rejected unless the plaintiff or appellant, as the case may be, pays to the Court within a time to be fixed by the Court such reasonable sum on account of court-fees as the Court may direct.

5. *Procedure in case of difference as to necessity of amount of fee.*—(1) In case any difference arises between the officer whose duty it is to see that any fee is paid under this Ordinance and any suitor or his pleader, as to the necessity of paying a fee or the amount thereof, the question shall be referred to the Taxing Officer whose decision thereon shall be final, subject to revision, on an application made within sixty days from the date of the decision, by the suitor or by his pleader, or such officer as may be appointed in this behalf by the State Government, by the Chief Justice or by such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

(4) When any such difference arises in the Court of Small Causes at Calcutta, the question shall be referred to the Registrar of the Court of Small Causes at Calcutta whose decision shall be final, subject to revision, on application made within sixty days from the date of the decision, by the party concerned or such officer as may be appointed in this behalf by the State Government, by the Chief Judge or by such Judge of the Court of small Causes at Calcutta as the Chief Judge shall appoint either generally or specially in this behalf.

(3) The Chief Justice shall declare who shall be the Taxing Officer within the meaning of sub section (1) of this section.

6. *Document inadmissible unless fees collected by stamp Purchased in West Bengal.*—Notwithstanding anything contained in this Ordinance or in any other law for the time being in force no document of any of the kinds chargeable under this Ordinance shall be filed, exhibited or recorded in any Court including the High Court, or shall be received, furnished or acted upon by any such Court or by any public officer, unless, in respect of such document, the stamp referred to in section 29 has been purchased from a person authorised or appointed to sell stamps in West Bengal.

CHAPTER III

Computation of fees

7. *Computation of fees payable in certain suits*—The amount of fee payable under this Ordinance in the suits next hereinafter mentioned shall be computed as follows:—

(i) *for money.*—In suits for money including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically—according to the amount claimed;

(ii) *for maintenance and annuities.*—In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

Provided that in suits by widows for maintenance such value shall be deemed to be the amount claimed to be payable for one year:

(iii) *for movable property having a market value.*—In suits for movable property other than money, where the subject-matter has a market value—according to such value at the date of presenting the plaint;

(iv) *for moveable property of no market value.*—In suits—

(a) for moveable property where the subject-matter has no market value, as for instance, in the case of documents relating to title,

(b) *for declaratory decree and consequential relief.*—to obtain a declaratory decree or order, where consequential relief is prayed.

(c) *for injunction.*—to obtain an injunction,

(d) *for easement.*—for a right to some benefit (not herein otherwise provided for) to arise out of land, and

(e) *for accounts.*—for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal subject to the provisions of Section 11.

In all such suits the plaintiff shall state the amount at which he values the relief sought.

(v) *for possession of land, buildings or gardens;*—In suits for the possession of land, buildings or gardens not being suits referred to in clause (vi)—

(a) according to the value of the subject-matter, and such value shall be deemed to be fifteen times the net profits which have arisen from the land, building or garden during the year next before the date of presenting the plaint, or if the Court sees reason to think that such profits have been wrongly estimated, fifteen times such amount as the Court may assess as such profits or according to the market-value of the land, building or garden, whichever is lower ;

(b) if, in the opinion of the Court, such profits are not readily ascertainable or assessable, or where there are no such profits, according to the market-value of the land, building or garden :

Explanation.—In this paragraph “building” includes a house, out-house, stable, privy, urinal, shed, hut, wall and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever ;

(vi) *for recovery of possession of immovable property.*—In a suit for recovery of possession of immovable property from—

(a) a trespasser, where no declaration of the title to property is either prayed for or necessary for disposal of the suit—according to the amount at which the relief sought is valued in the plaint subject to the provisions of section 11 ;

(b) a licensee upon revocation or termination of his license,—

(i) where a license fee is payable by the licensee in respect of the immovable property to which the suit refers—according to the amount of the license fee of the immovable property payable for the year next before the date of presenting the plaint, or

(ii) where no such license fee is payable by the licensee—according to the amount at which the relief sought is valued on the plaint subject to the provisions of section 11 ;

(vii) *to enforce a right of pre-emption ;*—In suits to enforce a right of preemption—according to the market-value of the land, building or garden in respect of which the right is claimed.

Explanation.—In this paragraph “building” has the same meaning as in paragraph (v) ;

(viii) *for partition and separate possession of a share of joint family property, etc.*—In suits for partition and separate possession of a share of joint family property or of a joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property—if, the plaintiff has been excluded from possession of the property of which he claims to be a coparcener or co-owner—according

to the market-value of the share in respect of which the suit is instituted;

(ix) *for interest of assignee of land-revenue*.—In suits for the interest of an assignee of land-revenue—fifteen times his net profits as such for the year next before the date of presenting the plaint;

(x) *to set aside an attachment*.—In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached:

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest;

(xi) *to redeem*.—In suits against a mortgagee for the recovery of the property mortgaged;

to fore-close.—and in suits by a mortgagee to foreclose the mortgage, or where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principle money expressed to be secured by the instrument of mortgage;

(xii) *for specific performance*.—In suits for specific performance—

(a) of a contract of sale—according to the amount of the consideration,

(b) of a contract of mortgage—according to the amount agreed to be secured,

(c) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term,

(d) of an award—according to the amount or value of the property in dispute;

(xiii) *between landlord and tenant*.—In the following suits between landlord and tenant—

(a) for the delivery by a tenant of the counterpart of a lease,

(b) to enhance the rent of a tenant having a right of occupancy,

(c) for the delivery by a landlord of a lease,

(d) for the recovery of immovable property from a tenant including a tenant holding over after the determination of a tenancy.

(e) to contest a notice of ejection,

(f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord, and

(g) for abatement of rent—

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

8. *Fee on memorandum of appeal against order relating to compensation*.—The amount of fee payable under this Ordinance on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

9. *Statement of particulars of subject-matter of suits and plaintiff's valuation thereof*.—In every suit in which an ad-valorem court-fee is payable under this Ordinance on the plaint, the plaintiff shall file with the plaint a statement of particulars of the subject-matter of the suit and his own valuation thereof unless such particulars and the valuation are contained in the plaint. The statement shall be in such form and shall

contain such particulars as may be prescribed by the State Government by notification in the *Official Gazette*. In every such suit the plaintiff shall also, if the Court so directs, file a duplicate copy of the plaint and of the said statement.

10. *Procedure where insufficient court-fee is filed on plaint or memorandum of appeal.*—(1) In every suit in which a court-fee is payable under this Ordinance on the plaint or memorandum of appeal the Court shall, on the date fixed for the appearance of the opposite party or as soon as may be thereafter, and in every case before proceeding to deliver judgment, record a finding whether a sufficient court-fee has been paid.

(2) If the Court records a finding that an insufficient court-fee has been paid on the plaint or memorandum of appeal the Court shall

(a) stay all further proceedings in the suit until it has determined the proper amount of such court fee payable and the plaintiff or the appellant, as the case may be, has paid such amount or until the date referred to in clause (b), as the case may be :

Provided that if the plaintiff or appellant gives, within such time as the Court may allow, security, to the satisfaction of the Court, for the payment of any additional amount for which he may be found liable the Court may proceed with the suit.

(b) fix a date before which the plaintiff or appellant shall pay the amount of the court-fee due from him, as determined by the Court under clause (a).

(3) If the plaintiff or appellant fails to give the security referred to in clause (a) of sub-section (2) or to pay the amount referred to in clause (b) of that sub-section within the time allowed, or before the date fixed, by the Court, as the case may be, the suit shall be dismissed.

11. *Inquiry as to valuation of suits.*—If the Court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation and may hold such inquiry as it thinks fit for such purpose.

12. *Investigation to ascertain proper valuation.*—(1) For the purpose of an inquiry under section 11 the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

(2) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

13. *Power of persons making inquiry under sections 11 and 12.*—(1) The Court, when making an inquiry under section 12 shall have, respectively, for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath or affirmation ;

(b) compelling the production of documents or material objections ; and

(c) issuing commissions for the examination of witnesses.

(2) An inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

14 *Costs of inquiry as to valuation and refund of excess fee.*—(1) If in the result of an enquiry under section 11 the Court finds that the subject-matter of the suit has been under-valued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry.

(2) If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid by the State Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid.

15 *Procedure in suits for mesne profits or account when amount found due exceeds amount claimed.*—Where, in any suit for mesne profits or for land and mesne profits or for an account, the fee which would have been payable if the suit had comprised the whole of the relief to which the Court finds the plaintiff to be entitled, exceeds the fee actually paid, the Court shall require the plaintiff to pay an additional fee equal to the amount of the excess, and if such additional fee is not paid within such time as the Court may fix, the suit, or if a decree has previously been passed therein, so much of the claim as has not been so decreed, shall be dismissed:

Provided that, where the additional fee is payable in respect of a portion of the claim which can be relinquished, that portion only shall be dismissed

16 *Decision of questions as to valuation.*—(1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

(2) But whenever any such suit comes before a Court of Appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided,

(a) if the party required to pay is the appellant or petitioner, the provisions of sub-sections (2) and (3) of section 10 shall, so far as may be, apply;

(b) if the party required to pay is the respondent or the opposite party, the provisions of sub-section (2) of section 10 shall, so far as may be, apply, and, if such party fails to pay the fee required before the date fixed by the Court, the Court shall recover the amount of such fee from him as a public demand

Explanation—For the purposes of this section a question relating to the classification of any suit for the purpose of section 7 shall not be deemed to be a question relating to valuation.

17 *Recovery of deficit court-fee in certain cases.*—(1) The High Court shall when dealing with an application for leave to appeal to the Supreme Court, make an order for the payment of any deficit court-fee with such interest not exceeding six per centum per annum as the High Court may direct, in all cases where the High Court finds that the subject-matter of the suit or appeal had been undervalued either in the Court of first instance or in the Court of appeal or in both, irrespective of whether

the certificate of fitness for appeal to the Supreme Court is or is not granted.

(2) The fee together with interest thereon found to be payable under sub-section (1) shall be paid by the party ordered to do so and if such party fails to pay the amount required before the date fixed by the High Court, it shall be recoverable from him as a public demand.

18. *Refund of fee paid on memorandum of appeal*—If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in Order XLI, rule 23 of the same Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal.

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

19. *Refund fee on application for review of judgment*.—Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

20. *Refund where Court reverses or modifies its former decision on ground of mistake*—(1) Where an application for a view of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under Schedule II to his Ordinance, No. 1, clause (b) or clause (d).

(2) Nothing in sub-section (1) of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

21. *Multifarious suits*.—(1) In any suit in which two or more separate and distinct causes of actions are joined and separate and distinct reliefs are sought in respect of each, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees with which the plaints or memoranda of appeal would be chargeable under this Ordinance in separate suits instituted in respect of each such cause of action :

Provided that nothing in this sub-section shall be deemed to affect any power conferred by or under the Code of Civil Procedure, 1908, (5 of 1908), to order separate trials.

(2) Where more reliefs than one based on the same cause of action are sought either jointly or in the alternative, the fee shall be paid according to the value of the relief in respect of which the largest fee is payable.

22. *Written examinations of complainants.*—When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Ordinance, is reduced to writing under the provisions of the Code of Criminal Procedure, (5 of 1898), the complainant shall pay a fee of one rupee unless the Court thinks fit to remit such payment.

23. *Exemption of certain documents.*—Nothing contained in this Ordinance shall under the following documents chargeable with any fee :—

(i) Power-of-attorney or other written authority to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment.

(ii) Written statements called for by the Court after the first hearing of a suit,

(iii) Probate of a will, letters of administration, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed two thousand rupees.

(iv) Application or petition to a Collector or other officer making a settlement of land-revenue, or to the Board of Revenue, relating to matters connected with the assessment of the land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

(v) Application relating to a supply for irrigation of water belonging to Government.

(vi) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding under direct engagement with Government, land of which the revenue is settled, but not permanently.

(vii) Application for service of notice of relinquishment of land or of enhancement of rent.

(viii) Written authority to an agent to distrain.

(ix) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other persons to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

(x) Bail bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

(xi) Petition, application, charge or information respecting any offence, when presented made or laid to or before a Police Officer, or to or before the Heads of village or the village police.

(xii) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

(xiii) Complaint of a public servant (as defined in the Indian Penal Code), (45 of 1860), a municipal officer, or an officer or employees of Government Railway.

(xiv) Application for permission to cut timber in Government forests, or otherwise relating to such forests.

(xv) Application for the payment of money due by Government to the applicant.

(xvi) Petition of appeal against any municipal tax.

(xvii) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

(xviii) Petitions of appeal by employees of the Government or Court of Wards against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.

CHAPTER IV

Probates, letters of administration and certificates of administration.

24. *Relief where too high a court fee has been paid.*—Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Board of Revenue for the local area in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation.

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required, the said Authority may—

(a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;

(b) substitute another stamp for denoting the court-fee which should have been paid thereon; and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

25. *Relief where debts due from a deceased person have been paid out of his estate.*—(1) Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Ordinance, such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

(2) But when, by reason of any legal proceeding, the debts due from the deceased have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

26. *Relief in case of several grants.*—(1) Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Ordinance has been or is paid thereon, no fee shall be chargeable under the same Ordinance when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(2) Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually

paid under this Ordinance shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

27. *Probates declared valid as to property though not covered by court-fee.*—The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering transcribing or assigning any movable or immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

28. *Provision for case where too low a court-fee has been paid on probates, etc.*—Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Board of Revenue for the local area in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters :

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonging to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

29. *Administrator to give proper security before letters stamped under section 28.*—In case of letters of administration on which too low a court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased has been than ascertained.

30. *Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of under-payment.*—Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake or of its not being known at the time that some particular part of the estate belonged to the deceased if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which

ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten per cent on the amount of the sum wanting to make up the proper court-fee.

31. *Notice of applications for probate or letters of administration to be given to Revenue authority and procedure thereon.*—(1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to the High Court, the High Court shall cause notice of the application to be given to the Board of Revenue for the local area in which the High Court is situated.

(3) The Collector within the local limits of whose Revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property :

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 317 of the Indian Succession Act, 1925 (89 of 1925).

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorised as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Board of Revenue of any application under section 28.

(8) The State Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

32. *Payment of court-fees in respect of probates and letters of administration.*—(1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for

such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in Schedule III, and the Court is satisfied that the fee mentioned in No. 10 of Schedule I has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under sub-section (4) of section 31

33 *Recovery of penalties, etc.*—(1) Any excess fee found to be payable on an inquiry held under sub-section (6) of section 31, and any penalty or forfeiture under section 30, may, on the certificate of the Board of Revenue, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector.

(2) The Board of Revenue may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 28 or of any court-fee under section 28 in excess of the full court fee which ought to have been paid

34. *Section 42 not to apply to probates or letters of administration.*—Nothing in section 42 shall apply to probates or letters of administration.

CHAPTER V

Process-fees.

35. *Rules as to costs of processes*—(1) The High Court shall, as soon as may be, make rules as to the following matters:—

(i) the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction ;

(ii) the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant ; and

(iii) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

(2) The High Court may from time to time alter and add to the rules so made.

(3) *Confirmation and publication of rules.*—All such rules, alterations and additions shall after being confirmed by the State Government be published in the Official Gazette, and shall thereupon have the force of law.

36. *Tables of process fees.*—A table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

37. *Number of peons in district and subordinate Courts*—Subject to rules to be made by the High Court and approved by the State Government, every District Judge and every Magistrate of a District shall fix and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto

Explanation.—*Number of peons in Mofussil Small Causes Courts.*—For the purposes of this section, every Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, (9 of 1887) shall be deemed to be subordinate to the Court of the District Judge.

38. *Number of peons in Revenue Courts*—Subject to rules to be framed by the Board of Revenue and approved by the State Government, every officer performing the functions of the Collector of a district

shall fix and may from time to time alter, the number of persons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

CHAPTER VI

Of the mode of levying fees

39. *Collection of fees by stamps.*—All fees referred to in section 3 and chargeable under this Ordinance shall be collected by stamps.

40. *Stamps to be impressed or adhesive.*—The stamps used to denote any fees chargeable under this Ordinance shall be impressed or adhesive, or partly impressed and partly adhesive, as the State Government may, by notification in the Official Gazette from time to time, direct

41. *Rules for supply, number, renewal and keeping accounts of stamps.*—(1) The State Government may, from time to time, make rules for regulating—

- (a) the supply of stamps to be used under this Ordinance;
- (b) the number of stamps to be used for denoting any fee chargeable under this Ordinance;
- (c) the renewal of damaged or spoiled stamps; and
- (d) the keeping of accounts of all stamps used under this Ordinance;

Provided that, in the case of stamps used in the High Court, such rules shall be made with the concurrence of the Chief Justice of that Court.

(2) All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

42. *Stamping documents inadvertently received.*—(1) No document which ought to bear a stamp under this Ordinance shall be of any validity, unless and until it is properly stamped.

(2) But, if any such document is through mistake or inadvertence received, filed or used in any Court or Office without being properly stamped the presiding Judge or the head of the office, as the case may be, or, in the case of the High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

43. *Amended document.*—Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

44. *Cancellation of stamp.*—(1) No document requiring a stamp under this Ordinance shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

(2) Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VII

Miscellaneous

45. *Sale of stamps.*—(1) The State Government may from time to time, make rules for regulating the sale of, and the particulars to be entered at the time of sale of, stamps to be used under this Ordinance, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

(2) All such rules shall be published in the Official Gazette and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamps, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

46. *Enlargement of time*—Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Ordinance, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.

47. *Power to suspend, reduce or remit fees*.—(1) The State Government may, from time to time, subject to such conditions or restrictions as it may think fit to impose, by notification in the Official Gazette, suspend the payment of or reduce or remit, in the whole of West Bengal or in any part thereof, all or any of the fees mentioned in Schedules I and II to this Ordinance and may in like manner cancel or vary such order.

(2) The State Government may, from time to time, by rules, prescribe the manner in which any fee the payment of which is suspended under sub-section (1) may be realised and for this purpose direct that such fee may be recovered as a public demand.

48. *Saving of fees to certain officers of High Court*.—Nothing in Chapters II and VI of this Ordinance applies to the Commission payable to the Accountant-General of the High Court or to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

49. *Continuance in force of the existing rules*.—Until rules are framed under sections 9, 35, 41, 45 and sub-section (2) of section 47 and until notifications are issued under sub-section (1) of section 47, the rules and notifications in force on the date of commencement of the Ordinance in respect of matters referred to in those sections shall, in so far as they are not inconsistent with this Ordinance, continue.

50. *Repeal and savings*.—(1) The Court-fees Act, 1870 (7 of 1870) in its application to the State of West Bengal, and in relation to the fees and stamps other than fees and stamps relating to documents presented or to be presented before an officer serving under the Central Government is hereby repealed.

(2) All suits and proceedings instituted before the commencement of this Ordinance and all proceedings by way of appeal, revision or otherwise arising therefrom whether instituted before or after such commencement shall, notwithstanding the repeal of the Court-fees Act, 1870, be governed by the provisions of the said Act and the rules made thereunder.

SCHEDULE I *Ad valorem fees*

Number	Proper Fee
When the amount or value of the subject-matter in dispute does not exceed seventy-five rupees, for every five rupees or part thereof of such amount or value,	Forty paise
and	
when such amount or value exceeds seventy-five rupees, for every five rupees	Fifty paise

Number		Proper Fee
	or part thereof in excess of seventy-five rupees, up to one hundred rupees, and when such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees, up to one hundred and fifty rupees, and when such amount or value exceeds one hundred and fifty rupees, for every ten rupees or part thereof, up to one thousand rupees, and when such amount or value exceeds one thousand rupees, for every one hundred rupees or part thereof, in excess of one thousand rupees, up to seven thousand five hundred rupees, and when such amount or value exceeds seven thousand five hundred rupees, for every two hundred and fifty rupees or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees, and when such amount or value exceeds ten thousand rupees, for every five hundred rupees or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees, and when such amount or value exceeds twenty thousand rupees, for every one thousand rupees or part thereof, in excess of twenty thousand rupees up to fifty thousand rupees, and when such amount or value exceeds fifty thousand rupees, for every five thousand rupees or part thereof in excess of fifty thousand rupees : Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees.	One rupee and sixty-five paise. One rupee and fifteen paise. Seven rupees and fifty paise. Fifteen rupees. Twenty-two rupees and fifty paise. Thirty rupees. Thirty-seven rupees and fifty paise.
1. Plaint written statement pleading a set-off or counter claim or memorandum of appeal (not otherwise provided for in this Ordinance) or of cross-objection presented to the High Court or any Civil or Revenue Court except the Court mentioned in section 3.		
2. (a) Petition under section 26 of the Provincial Insolvency Act, 1920 (5 of 1920), or application under section 95 of the Code of Civil Procedure, 1908 (5 of 1908).	...	An amount of the half the scale of fee prescribed in article I on the amount or compensation claimed.

Number	Proper Fee
(b) appeal against order on a petition or application falling under clause (a).	On the scale prescribed under article 1 on the amount in dispute.
3. (a) Petition under sections 53 and 54 of the Provincial Insolvency Act, 1920, ...	An amount of one-half of the scale of fee prescribed in article 1 on the market value of the subject-matter subject to a maximum fee of rupees five hundred.
(b) appeal against order on a petition falling under clause (a) whether by the Official Receiver or by the unsuccessful party. ...	An amount of one-half of the scale of fee prescribed in article 1 on the market value of the subject-matter subject to a maximum fee of rupees five hundred.
4. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree. ...	The fee leviable on the plaint or memorandum of appeal.
5. Application for review of judgment, if presented before the ninetieth day from the date of the decree. ...	One half of the fee leviable on the plaint or memorandum of appeal.
6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court, other than the High Court or by the presiding officer of any Revenue Court or Office, or by any other judicial or Executive Authority— (a) If the amount or value of the subject matter is fifty or less than fifty rupees. Forty paise. (b) If such amount or value exceeds fifty rupees. Seventy-five paise. When such judgment or order is passed by the High Court. One rupee and fifty paise.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the High Court, or by any Revenue Court— (a) If the amount or value of the subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees. Fifty paise. (b) If such amount or value exceeds fifty rupees. One rupee. When such decree or order is made by the High Court. Four rupees,

Number		Proper Fee
8.	Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899 (2 of 1899), when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp-duty chargeable on the original does not exceed fifty paise. The amount of the duty chargeable on the original.
(b) In any other case		Fifty paise.
9	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Ordinance or copy of any accounts, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any Chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words: Fifty paise.
	When the amount or the value of the property in respect of which the grant of probate or letters of administration is made, exceeds two thousand rupees, on such amount or value up to ten thousand rupees,	Two per centum.
	and	
	when such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees, up to fifty thousand rupees,	Three per centum
	and	
	when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees, up to a lakh of rupees.	Four per centum.
	and	
	when such amount or value exceeds a lakh of rupees on the portion of such amount or value which is in excess of a lakh of rupees, up to two lakhs and fifty thousand rupees,	Five per centum.
	and	
10.	Probate of a will or letters of administration with or without will annexed.	when such amount or value exceeds two lakhs and fifty thousand rupees on the portion of such amount which is in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees, Five and a half per centum.

Number	Proper Fee
and when such amount or value exceeds three lakhs of rupees, on the portion of such amount which is in excess of three lakhs of rupees, up to four lakhs of rupees.	Six per centum.
and when such amount or value exceeds four lakhs of rupees, on the portion of such amount which is in excess of four lakhs of rupees, up to five lakhs of rupees,	Six and a half per centum.
and when such amount or value exceeds five lakhs of rupees, on the portion of such amount which is in excess of five lakhs of rupees :	Seven per centum.
Provided that when, after the grant of certificate under the Indian Succession Act, 1925 (39 of 1925), in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	
11. Certificate under the Indian Succession 1925.	When the amount or value of any debt or security specified in the certificate under section 374 of the Act exceeds one thousand rupees. Two per centum on the first ten thousand rupees, three per centum on the next forty thousand rupees, four per centum on the next fifty thousand rupees, and five per centum on the next one lakh and fifty thousand rupees,
and when the aggregate amount or value of any debts or security specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act, exceeds one thousand rupees	
five and a half per centum on the next fifty thousand rupees, six per centum on the next one lakh of rupees, six and a half per centum on the next one lakh of rupees, and seven per centum on the remainder of such amount or value.	

Number

Proper Fee

In respect of such portion of the aggregate amount or value as consists of the amount or value of debts or securities so specified, the fee hereinbefore provided in that behalf in this article, and

three per centum on such portion of the first ten thousand rupees,

four and a half per centum on such portion of the next forty thousand rupees,

six per centum on such portion of the next fifty thousand rupees, and

seven and a half per centum on such portion of the next one lakh and fifty thousand rupees,

eight and a quarter per centum on such portion of the next fifty thousand rupees, nine per centum on such portion of the next one lakh of rupees,

nine and three-quarters per centum on such portion of the next one lakh of rupees, and ten and a half per centum on such portion of the remainder of such aggregate amount or value as consists of the amount or value of debts or securities to which the certificate has been extended.

Note.—(1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred, under the Act and where such a power has been so conferred whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

12. *Plaint presented with an originating summons under the Rules of the High Court at Calcutta (Original Side) 1914.*

... The fee leviable on a *plaint* in a suit for the same relief, subject to a minimum fee of thirty rupees.

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee.
Rs.	Rs.	Rs. P.
...	5	0.40
5	10	0.75
10	15	1.15
15	20	1.50
20	25	1.90
25	30	2.25
30	35	2.65
35	40	3.00
40	45	3.40
45	50	3.75
50	55	4.15
55	60	4.50
60	65	4.90
65	70	5.25
70	75	5.65
75	80	6.15
80	85	6.65
85	90	7.15
90	95	7.65
95	100	8.15
100	110	9.75
110	120	11.40
120	130	13.00
130	140	14.65
140	150	16.25
150	160	18.00
160	170	19.15
170	180	20.25
180	190	21.40
190	200	22.50
200	210	23.65
210	220	24.75
220	230	25.90
230	240	27.00
240	250	28.15
250	260	29.25
260	270	30.40
270	280	31.50
280	290	32.65
290	300	33.75
300	310	34.90
310	320	36.00
320	330	37.15
330	340	38.25
340	350	39.40
350	360	40.50
360	370	41.65
370	380	42.75

Table of rates of ad valorem fees leviable on the institution of suits.—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee.
Rs.	Rs.	Rs. P.
380	390	43.90
390	400	45.00
400	410	46.15
410	420	47.25
420	430	48.40
430	440	49.50
440	450	50.65
450	460	51.75
460	470	52.90
470	480	54.00
480	490	55.15
490	500	56.25
500	510	57.40
510	520	58.50
520	530	59.65
530	540	60.75
540	550	61.90
550	560	63.00
560	570	64.15
570	580	65.25
580	590	66.40
590	600	67.50
600	610	68.65
610	620	69.75
620	630	70.90
630	640	72.00
640	650	73.15
650	660	74.25
660	670	75.40
670	680	76.50
680	690	77.65
690	700	78.75
700	710	79.90
710	720	81.00
720	730	82.15
730	740	83.25
740	750	84.40
750	760	85.50
760	770	86.65
770	780	87.75
780	790	88.90
790	800	90.00
800	810	91.15
810	820	92.25
820	830	93.40
830	840	94.50
840	850	95.65
850	860	96.75
860	870	97.90

Table of rates of ad valorem fees leviable on the institution of suits.—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee.
Ra.	Ra.	Ra. P.
870	880	99.00
880	890	100.15
890	900	101.25
900	910	102.40
910	920	103.50
920	930	104.65
930	940	105.75
940	* 950	106.90
950	960	108.00
960	970	109.15
970	980	110.25
980	990	111.40
990	1,000	112.50
1,000	1,100	120.00
1,100	1,200	127.50
1,200	1,300	135.00
1,300	1,400	142.50
1,400	1,500	150.00
1,500	1,600	157.50
1,600	1,700	165.00
1,700	1,800	172.50
1,800	1,900	180.00
1,900	2,000	187.50
2,000	2,100	195.00
2,100	2,200	202.50
2,200	2,300	210.00
2,300	2,400	217.50
2,400	2,500	225.00
2,500	2,600	232.50
2,600	2,700	240.00
2,700	2,800	247.50
2,800	2,900	255.00
2,900	3,000	262.50
3,000	3,100	270.00
3,100	3,200	277.50
3,200	3,300	285.00
3,300	3,400	292.50
3,400	3,500	300.00
3,500	3,600	307.50
3,600	3,700	315.00
3,700	3,800	322.50
3,800	3,900	330.00
3,900	4,000	337.50
4,000	4,100	345.00
4,100	4,200	352.50
4,200	4,300	360.00
4,300	4,400	367.50
4,400	4,500	375.00

Table of rates of ad volerem fees leviable on the institution of suits—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee.
Rs.	Rs.	Rs. P.
4,500	4,600	382.50
4,600	4,700	390.00
4,700	4,800	397.50
4,800	4,900	405.00
4,900	5,000	412.50
5,000	5,100	420.00
5,100	5,200	427.50
5,200	5,300	435.00
5,300	5,400	442.50
5,400	5,500	450.00
5,500	5,600	457.50
5,600	5,700	465.00
5,700	5,800	472.50
5,800	5,900	480.00
5,900	6,000	487.50
6,000	6,100	495.00
6,100	6,200	502.50
6,200	6,300	510.00
6,300	6,400	517.50
6,400	6,500	525.00
6,500	6,600	532.50
6,600	6,700	540.00
6,700	6,800	547.50
6,800	6,900	555.00
6,900	7,000	562.50
7,000	7,100	570.00
7,100	7,200	577.50
7,200	7,300	585.00
7,300	7,400	592.50
7,400	7,500	600.00
7,500	7,750	615.00
7,750	8,000	630.00
8,000	8,250	645.00
8,250	8,500	660.00
8,500	8,750	675.00
8,750	9,000	690.00
9,000	9,250	705.00
9,250	9,500	720.00
9,500	9,750	735.00
9,750	10,000	750.00
10,000	10,500	772.50
10,500	11,000	795.00
11,000	11,500	817.50
11,500	12,000	840.00
12,000	12,500	862.50
12,500	13,000	885.00
13,000	13,500	907.50

Table of rates of ad valorem fees leviable on the institution of suits—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee.
Rs.	Rs.	Rs. P.
13,500	14,000	930.00
14,000	14,500	952.50
14,500	15,000	975.00
15,000	15,500	997.50
15,500	16,000	1,020.00
16,000	16,500	1,042.50
16,500	17,000	1,065.00
17,000	17,500	1,087.50
17,500	18,000	1,110.00
18,000	18,500	1,132.50
18,500	19,000	1,155.00
19,000	19,500	1,177.50
19,500	20,000	1,200.00
20,000	21,000	1,230.00
21,000	22,000	1,260.00
22,000	23,000	1,290.00
23,000	24,000	1,320.00
24,000	25,000	1,350.00
25,000	26,000	1,380.00
26,000	27,000	1,410.00
27,000	28,000	1,440.00
28,000	29,000	1,470.00
29,000	30,000	1,500.00
30,000	31,000	1,530.00
31,000	32,000	1,560.00
32,000	33,000	1,590.00
33,000	34,000	1,620.00
34,000	35,000	1,650.00
35,000	36,000	1,680.00
36,000	37,000	1,710.00
37,000	38,000	1,740.00
38,000	39,000	1,770.00
39,000	40,000	1,800.00
40,000	41,000	1,830.00
41,000	42,000	1,860.00
42,000	43,000	1,890.00
43,000	44,000	1,920.00
44,000	45,000	1,950.00
45,000	46,000	1,980.00
46,000	47,000	2,010.00
47,000	48,000	2,040.00
48,000	49,000	2,070.00
49,000	50,000	2,100.00
50,000	55,000	2,137.50
55,000	60,000	2,175.00
60,000	65,000	2,212.50

Table of rates of ad valorem fees leviable on the institution of suits—contd..

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee.
Rs.	Rs.	Rs. P.
65,000	70,000	2,250.00
70,000	75,000	2,287.50
75,000	80,000	2,325.00
80,000	85,000	2,362.50
85,000	90,000	2,400.00
90,000	95,000	2,437.50
95,000	1,00,000	2,475.00
1,00,000	1,05,000	2,512.50
1,05,000	1,10,000	2,550.00
1,10,000	1,15,000	2,587.50
1,15,000	1,20,000	2,625.00
1,20,000	1,25,000	2,662.50
1,25,000	1,30,000	2,700.00
1,30,000	1,35,000	2,737.50
1,35,000	1,40,000	2,775.00
1,40,000	1,45,000	2,812.50
1,45,000	1,50,000	2,850.00
1,50,000	1,55,000	2,887.50
1,55,000	1,60,000	2,925.00
1,60,000	1,65,000	2,962.50
1,65,000	1,70,000	3,000.00
1,70,000	1,75,000	3,037.50
1,75,000	1,80,000	3,075.00
1,80,000	1,85,000	3,112.50
1,85,000	1,90,000	3,150.00
1,90,000	1,95,000	3,187.50
1,95,000	2,00,000	3,225.00
2,00,000	2,05,000	3,262.50

and the fee increases at the rate of thirty-seven rupees and fifty paise for every five thousand rupees, or part thereof, up to a maximum fee of ten thousand rupees, for example—

Rs.	Rs.P.
3,00,000	4,012.50
4,00,000	4,762.50
5,00,000	5,512.50
6,00,000	6,262.50
7,00,000	7,012.50
8,00,000	7,762.50
9,00,000	8,512.50
10,00,000	9,262.50
11,00,000	10,000.00

SCHEDULE II

Fixed fees

Number.	Proper Fee.
1. Applica- (a) When presented to any officer of the tion or pet- Customs or Excise Department or to any ition Magistrate by any person having dealings with the Government, and when the sub- ject-matter of such application relates ex- clusively to those dealings ;	Fifteen paise.
Or when presented to any officer of land-rev- enue by any person holding temporarily- settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclu- sively to such engagement ;	Fifteen paise.
Or when presented to any municipal Comm- issioner or member of a Zilla Parishad under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement	Fifteen paise.
Or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Cau- ses constituted under the Provincial Small Cause Courts Act, 1887, (9 of 1887.) or to a Collector or other officer of revenue in rel- ation to any suit or case in which the amo- unt or value of the subject-matter is less than fifty rupees ;	Fifteen paise.
Or when presented to any Civil, Criminal or Revenue Court, to a any Board or execu- tive officer for the purpose of obtaining a copy or translation of any judgment, dec- ree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.	Fifteen paise.
(b) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Crimi- nal Procedure Code arrest without warrant and presented to any Criminal Court ;	In the case of a complaint or charge of an offence presen- ted to a Crimi- nal Court one rupee, and in other cases seventy-five paise.
Or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue-officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Ordi- nance ;	In the case of a complaint or charge of an off- ence presented to a Criminal Court one rupee and in other ca-

Number.	Proper Fee. ses seventy-five paise.
Or to deposit in Court revenue or rent ; Or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	
(c) When presented to the Board of Revenue or to any Chief officer charged with the executive administration of a Division and not otherwise provided for by this Ordinance.	One rupee and fifty paise.
(d) For arrest or attachment before judgment or for temporary injunction—	
(i) when presented to a Civil Court other than the High Court in relation to any suit or proceeding—	
(1) if the value of the subject-matter is less than Rs.50 ;	One rupee.
(2) if the value is Rs.50 and above ;	Two rupees and fifty paise.
(ii) when presented to the High Court.	Five rupees.
(e) Under section 47 and Order XXI, rules 58 and 90 of the Code of Civil Procedure, 1908 (5 of 1908).	
(i) when filed in revenue Court or in Munsif's Court;	One rupee.
(ii) when filed in the City Civil Court, Calcutta, a Subordinate Judge's Court or a District Court;	Two rupees and fifty paise.
(iii) when filed in the High Court.	Five rupees.
(f) Under section 34, 72, 73 and 74 of the Indian Trust Act, 1882. (2 of 1882).	Five rupees.
(g) (i) For probate or letters of administration to have effect throughout India	Twenty-five rupees.
(ii) Application for probate or letters of administration not falling under clause (i)—	
(1) if the value of the estate does not exceed Rs. 1,000;	Seventy-five paise.
(2) if the value exceeds Rs.1,000 ;	Five rupees.
Provided that if a caveat is entered and the application is registered as a suit one-half the scale of fee prescribed in Article I of Schedule I on the market value of the estate less the fee already paid on the application shall be levied.	
(h) Application under section 14 or section 20 of the Arbitration Act, 1940, (10 of 1940) for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign awards—	
(i) when presented to a Munsif's Court ;	Fifteen rupees.
(ii) when presented to the City Civil Court,	

Number.	Proper Fee.
Calcutta, a Subordinate Judge's Court, a District Court or the High Court—	
(i) if the value of the subject matter of the award does not exceed Rs 5,000 ;	Fifteen rupees.
(2) if such value exceeds Rs.5,000 but does not exceed Rs. 10,000;	One hundred rupees.
(3) if such value exceeds Rs.10,000.	Two hundred and fifty rupees
(i) Petition to the High Court for the admission of an Advocate, Attorney or Vakil.	Twenty rupees.
(j) When presented to the High Court under section 115 of the Code of Civil Procedure 1908 (5 of 1908) for revision of an order—	
(i) when the value of the suit to which the order relates does not exceed Rs. 1,000;	Five rupees.
(ii) when the value of the suit exceeds Rs. 1,000.	Ten rupees.
(k) When presented to the High Court—	
(i) for directions, orders or writs under article 226 of the Constitution of India for any purpose other than the enforcement of the fundamental rights conferred by Part III thereof;	Twenty rupees.
(ii) for directions, orders or writs under article 226 for the enforcement of any of the fundamental rights conferred by Part III of the Constitution of India or for the exercise of its jurisdiction under article 227 thereof;	Twenty rupees.
(iii) in any other case not otherwise provided for by this Ordinance.	Two rupees.
2. Original petition not otherwise provided for.	
(i) a Munsif's Court,	One rupee.
(ii) the City Civil Court, Calcutta, a Subordinate Judge's Court or a District Court,	Five rupees.
(iii) the High Court.	Twenty rupees.
3. Application to any Civil Court the records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post Seventy-five paise in addition to any fee levied on the application under clause. (a), clause (b), or clause (d) of Article 1 of this Schedule.

Number	Proper Fee
4. Application for leave to sue as a pauper. ...	Fifty paise.
5. Application for leave to appeal as a pauper. (a) When presented to a District Court. One rupee.	
(b) When presented to a Commissioner or the High Court. Two rupees.	
6. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy. ...	Fifty paise.
7. Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898 or the Code of Civil Procedure 1908 (5 of 1908) and not otherwise provided for by this Ordinance. ...	Fifty paise.
8. Undertaking under section 49 of The Indian Divorce Act, 1869 (4 of 1869.) ...	Fifty paise.
9. Mukhtarnama Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party—	When presented for the conduct of any one case—
(a) to any Civil or Criminal Court other than the High Court, or to any Revenue Court or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (b) and (c) of this number,	One rupee
(b) to the Board of Revenue or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority,	One rupee and fifty paise.
(c) to the High Court.	Two rupees
10. Every copy of power of attorney when filed in any suit or proceeding.	Seventy-five paise.
11. Memorandum of appeal from an order inclusive	When presented—

of an order determining any question under section 47 or section 144 of the Code of Civil Procedure, 1908 (5 of 1908), and not otherwise provided for—	(i) to any Court other than the High Court or to any Executive Officer other than the Board of Revenue or Chief Executive Authority,	One rupee.
	(ii) to the Board of Revenue or Chief Executive Authority,	Two rupees.
	(iii) to the High Court—	
	(1) Where the order was passed by a Subordinate Court or other authority—	
	(a) if the order relates to a suit or proceeding, the value of which exceeds one thousand rupees,	Ten rupees.
	(b) in any other case,	Five rupees.
	(2) Where the appeal is under clause 15 of the Letters Patent—	
	(a) from an order passed in exercise of appellate jurisdiction,	Ten rupees.
	(b) from an order passed in exercise of original jurisdiction, which would be appealable under the Code of Civil Procedure 1908 had it been passed by a Subordinate Court,	Ten rupees.
	(c) in any other case.	One hundred rupees.
	(3) Where the appeal is under section 45B of the Banking Companies Act, 1949 (10 of 1949)	One hundred rupees.
	(4) Where the appeal is under section 411A of the Code of Criminal Procedure, 1888 (5 of 1888).	Five rupees.
	(iv) to the Government in pursuance of a statutory right to appeal for which no court-fee is leviable under any other enactment.	Five rupees.
12 Memorandum of appeal under section 39 of the Arbitration Act, 1940 (10 of 1940).	(i) Where the appeal is from an order of a Munsif's Court	Fifteen rupees.
	(ii) in any other case	One hundred rupees.
13. Caveat	...	Ten rupees.
14. Application under Act No. X of 1859, section 26, or Bengal Act No. VI of 1862, section 9.	...	Five rupees.

Number.		Proper Fee
15. Plaint or memorandum of appeal in each of the following suits :—	...	
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court,		Fifteen rupees.
(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates,	...	Fifteen rupees.
(iii) to obtain a declaratory decree where no consequential relief is prayed,	...	Twenty rupees.
(iv) to set aside an award,	...	Fifteen rupees.
(v) to set aside an adoption,	...	Twenty rupees.
(vi) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Ordinance	...	Fifteen rupees.
16. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908).	...	
	(i) when presented to any Court subordinate to the High Court,	Ten rupees.
	(ii) when presented to the High Court.	One hundred rupees.
17. Petition in a suit under the Native converts, Marriage Dissolution Act, 1866 (21 of 1866),	...	Five rupees.
18. Every petition under the Indian Divorce Act, 1869 (4 of 1869), except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.	...	Twenty rupees.
19. Every petition for restitution of conjugal rights, judicial separation, divorce or divorce by mutual consent under the Special Marriage Act, 1954 (43 of 1954), and every memorandum of appeal under section 39 of the same Act.	...	Five rupees.
20. Every petition for restitution of conjugal rights, judicial separation or divorce under the Hindu Marriage Act, 1955 (25 of 1955), and every memorandum of appeal under section 28 of the same Act.	...	Five rupees.

Number.	Proper Fee.
21. Complaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865 (15 of 1865).	... Twenty rupees.
22. Petition under the Indian Christian Marriage Act, 1872 (15 of 1872).	... Two rupees.
23. Complaint or memorandum of appeal when presented to a Court under the Indian Colonial Divorce Jurisdiction Act, 1926.	... Fifty rupees.
24. Complaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriage Act, 1939 (8 of 1939).	... Ten rupees.
25. Petition—(a) questioning the election of any person as a Municipal Commissioner, when presented to a District Judge under section 36 of the Bengal Municipal Act 1932 (Ben. Act XV of 1932). or to the Chief Judge, Small Cause Court of Calcutta under section 73 of the Calcutta Municipal Act, 1951, (West Ben. Act XXXIII of 1951) or to the District Judge Howrah under the same section of the same Act as amended by the Howrah Municipal Act 1965. (West Ben. Act XVII of 1965).	... Fifteen rupees.
(b) Questioning the validity of an election under the West Bengal Zilla Parishads Act 1963. (West Ben. Act XXXV of 1963). when relating presented to a District Judge under section 102 of the said Act to decide dispute to such elections.	
26. Application or petition to the Court under sections 391, 439 or 522 of the Companies Act, 1956 (1 of 1956).	... Fifty rupees
Any other application or petition to the Court for judicial action or relief under the said Act, not otherwise provided for under this Ordinance.	... Ten rupees.

SCHEDULE III

ANNEXURE A

VALUATION OF THE MOVABLE AND IMMOVABLE PROPERTY OF DECEASED.

	Rs. P.
Cash in the house and at the banks, household goods, wearing-apparel books plate, jewels, etc. (State estimated value according to best of Executor's or Administrator's belief)	
Property in Government securities transferable at the Public Debt Office. (State description and value at the price of the day; also the interest separately, calculating it to the time of making the application.)	
Immovable property consisting of (State description, giving, in the case of houses, the assessed	

Ra. P.

value if any, and the number of year's assessment the market value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued.)

Leasehold property

(If the deceased held any leases for years determinable, state the number of year's purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.)

Property in public companies

(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application.)

Policy of insurance upon life, money put on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money.

(State the amount of the whole; also the interest separately calculating it to the time of making the application.)

Book debts

(Other than bad.)

Stock in trade

(State the estimated value, if any.)

Other property not comprised under the foregoing heads ...

(State the estimated value, if any.)

Total

Deduct—amount shown in Annexure B not subject to duty

Net Total

ANNEXURE B SCHEDULE OF DEBTS, ETC.

Ra. P.

Amount of debts due and owing from the deceased, payable by law out of the estate.

Amount of funeral expenses

Amount of mortgage incumbrances

Property held in trust not beneficially or with general power to confer a beneficial interest.

Other property not subject to duty

Total

The 10th December, 1969

SHANTI S. DHAVAN.

Governor of West Bengal.

Published in the *Calcutta Gazette*, Ext., Part III A, No. 19,
dated January, 13 1970

**The Bengal Co-operative Societies (Second Amendment)
Ordinance, 1969**

West Bengal Ordinance No. 1 of 1970

Whereas it is expedient to amend the Bengal Cooperative Societies Act, 1940 (Ben. Act XXI of 1940), for the purposes and in the manner hereinafter appearing ;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely:—

1. *Short title.*—This Ordinance may be called the Bengal Co-operative Societies (Second Amendment) Ordinance, 1969.

2. *Amendment of section 2 of Ben. Act XXI of 1940.*—In section 2 of the Bengal Co-operative Societies Act, 1940 (hereinafter referred to as the said Act),

(a) before clause (1a), the following clause shall be inserted, namely :—

“(1a) “administrator” means a person appointed by the State Government under section 26 to manage the affairs of a co-operative society ;”

(b) in clause (d), the words “and to persons admitted to membership of the central co-operative land mortgage bank in accordance with its bye-laws” shall be added at the end; and

(c) in clause (p), for the words “manager, assistant manager” the words “manager, deputy manager, assistant manager” shall be substituted.

3. *Substitution of new section for section 8.*—For section 8 of the said Act, the following section shall be substituted, namely :—

“8. *Power to exempt co-operative societies from the provisions of the Act*—The State Government may, if it is satisfied that it is necessary so to do in the public interest, by notification for reasons to be recorded—

(a) exempt any co-operative society or class of such societies from the application of any of the provisions of this Act or of any rules made thereunder, or

(b) direct that any of such provisions shall apply to such society or class of societies to such extent as may be specified in the notification.”.

4. *Amendment of section 18A.*—In section 18A of the said Act,—

(a) in the marginal note, for the word “Division”, the words “Division, transfer” shall be substituted ;

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) A co-operative society may by a resolution passed by a majority of not less than two-thirds of the members present and voting at an annual or a special general meeting of the society transfer, in whole or in part, its assets and liabilities to any other co-operative society or societies. Such resolution shall contain all necessary particulars in respect of such transfer of assets and liabilities.”;

(c) after sub-section (7), the following sub-section shall be inserted, namely :—

"(7A) When the transfer of assets and liabilities in whole of a co operative society to any other co-operative society or societies is effected, the transferor society shall be deemed to have been dissolved and shall cease to exist";

(d) in sub-section (8), after clause (a), the following clause shall be inserted, namely :—

"(aa) when a resolution is passed by a co-operative society under sub-section (1A), the resolution shall, if accepted by the transferee society or societies by a resolution passed by a majority of not less than two-thirds of the members present and voting at an annual or a special general meeting of such society or societies, be a sufficient conveyance to vest the assets and liabilities in the transferee society or societies. Copies of such resolutions of the transferor and the transferee societies shall be sent to the Registrar for record."

5. *Amendment of section 18C.*—In section 18C of the said Act,—

(a) in the marginal note, the words "or, transfer of assets and liabilities of a cooperative society" shall be added at the end;

(b) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

"(1) Where the Registrar is satisfied that it is necessary in the interest of the co-operative movement that a co operative society should be divided into two or more societies or the assets and liabilities of a co operative society should be transferred in whole or in part to one or more other societies, the Registrar may make a preliminary order for division of such society into two or more such societies or for the transfer of assets and liabilities of such society to one or more such societies as the case may be. The preliminary order of division shall provide for division of the assets and liabilities, the area of operation and the membership of such society among the new societies into which such society is to be divided and the preliminary order for transfer of assets and liabilities shall contain details about the transfer of assets and liabilities, the area of operation and the membership of the transferor and the transferee societies. When the transfer is made in part, the order shall be specific about the particulars of the assets and the liabilities to be transferred.

(2) The Registrar shall thereupon publish in the prescribed manner the preliminary order referred to in sub-section (1) along with a notice calling upon the co operative society or societies concerned and every member or creditor thereof to make objections or suggestions to him with respect to such order within two months from the date of publication of such order, and shall also send a copy of such order and notice to such society or societies as the case may be."

(c) in sub-section (3),—

(i) for the words "of division" occurring at two places, the words "of division or of transfer of assets and liabilities, as the case may be," shall be substituted ;

(ii) the words "or for efficient functioning of the society or societies to which assets and liabilities have been transferred" shall be added at the end ;

(d) in sub-section (4),—

(i) the words "to be divided" shall be omitted ;

(ii) the words "of division" shall be omitted ;

(e) in sub-section (5), the word "division" the words "division or transfer of assets and liabilities, as the case may be," shall be substituted ;

(f) after sub-section (6), the following sub section shall be added, namely :—

"(7) Notwithstanding anything to the contrary contained in any other law for the time being in force, upon a final order of transfer of assets and liabilities taking effect under sub-section (5) the order shall be a sufficient conveyance to vest the assets and liabilities of the transferor society in the transferee society or societies as specified in the order and when transfer of assets and liabilities of a co-operative society in whole is effected, the transferor society shall be deemed to have been dissolved, and shall cease to exist".

6. *Insertion of new section 23AA*—After section 23A of the said Act, the following section shall be inserted, namely :—

23AA. *Summoning of meeting of co-operative society by Registrar.*—Notwithstanding anything contained in the bye-laws of a cooperative society, the Registrar or any person authorised by him in writing in this behalf may, at any time, summon a meeting of the managing committee of any co-operative society and the meeting so summoned shall be deemed to be a meeting called in accordance with the bye-laws of the co-operative society and shall have the power to transact all business which can be transacted at a meeting of the managing committee under the bye-laws of the co-operative society and such other business as may be specifically mentioned by the Registrar or the person so authorised."

7. *Insertion of new section 24A.*—After section 24 of the said Act, the following section shall be inserted, namely :—

24A. *"Power to rescind action by any co-operative society.*—(1) The State Government may by order in writing rescind any proceeding or resolution of any general meeting of a co-operative society or of any meeting of the managing committee thereof which it considers to be not in conformity with the provisions of this Act or the rules made thereunder or with any order validly issued by the State Government or by the Registrar, and may do all things necessary to secure such conformity, or may suspend any resolution which it considers likely to adversely affect interests of any society or members thereof or of the co-operative movement in general.

(2) The Registrar may by order in writing suspend the execution of any resolution or order of the managing committee of a co-operative society or of its Chairman, or prohibit the doing of any act which is about to be done, or is being done in pursuance, or under cover, of this Act or any rule or bye-law made thereunder, if in his opinion the resolution, order or act, as the case may be, is in excess of the powers conferred by this Act or the execution of the resolution or order, or the doing of the act, is likely to prejudice the material interest of the co-operative society or the members thereof or of the co-operative movement in general.

(3) When the Registrar makes any order under sub-section (2), he shall forthwith forward a copy thereof stating the reasons for making it to the State Government and the State Government may thereupon rescind such order or direct that the order continue in force with or without modification, permanently or for such period as the State Government thinks fit."

8. *Amendment of section 25.*—In section 25 of the said Act,—

(a) in sub-section (1), the words "after an inspection under section 82 or an inquiry under section 84," shall be omitted ;

(b) after sub-section (2), the following sub-section shall be added, namely :—

"(3) If the managing committee is not dissolved and re constituted within the time determined, and in such manner as may be directed, by the Registrar under sub-section (1), he may by order dissolve the managing committee and the members thereof shall forthwith vacate their offices and the Registrar shall thereupon appoint a managing committee with the nominees, if any, of the State Government on the managing committee which has been dissolved and with such members of the co-operative society as he thinks fit, to manage the affairs of the co-operative society for such period not exceeding one year, and to arrange for the constitution of a new managing committee by such date as the Registrar may determine.

(4) An order under sub-section (3) shall be in writing, shall set forth the reasons for which they are passed, and shall be passed only after an opportunity has been given to the managing committee to state its objections thereto."

9. *Substitution of new section for section 26*—For section 26 of the said Act, the following section shall be substituted, namely :—

26. "*Dissolution of managing committee and appointment of Administrator.*—(1) if the State Government is satisfied that the managing committee of any co-operative society has misappropriated the funds of such society or has persistently made default in the performance of the duties imposed on it by this Act or the rules or bye laws made thereunder or commits any act which is prejudicial to the interest of such society or other co-operative societies or wilfully disobeys or wilfully fails to comply with any lawful order or direction issued by the State Government or by the Registrar, the State Government may, after giving such managing committee an opportunity of being heard, by order dissolve the managing committee and appoint one or more administrators to manage the affairs of such society for a period not exceeding one year at a time as may be specified in the order, and may also by order extend the period so, however, that the total period shall not exceed two years

(2) The administrator or administrators appointed under sub-section (1) shall, subject to the control of the Registrar and to such instructions as the Registrar may from time to time give, exercise all the functions of the managing committee and all the powers of the members thereof.

(3) The administrator shall before the expiry of his term of office arrange for the constitution of a new managing committee for such co-operative society in accordance with the bye laws of such society."

10. *Insertion of new section 41A*—In Chapter IV of the said Act, after section 41, the following section shall be inserted, namely :—

"41A. *Power of State Government to issue directions.*—The State Government may, at any time for reasons to be recorded in writing, issue directives to any co-operative society or class of co-operative societies to restrict, regulate or modify policies relating to the grant of loans in the manner specified in the directives or to take any other action considered necessary and expedient in the interest of such society or class of societies or of the co-operative movement in general."

11. *Amendment of section 59A.*—In section 59A of the said Act, —

(a) in sub-section (8),—

(i) for the words "within two months", the words "within one month" shall be substituted;

(ii) for the words "within one month", the words "within fifteen days" shall be substituted;

(iii) in the proviso, for the words "within a period of three months" the words "within a period of forty-five days" shall be substituted ;

(b) after sub section (3), the following sub-section shall be added, namely :—

"(4) An appeal shall lie to the Registrar against the decision of a co-operative society refusing to admit any applicant as a member of the society if preferred within one month from the date of communication of such decision to such applicant and where the decision of the society is not communicated to the applicant within the period referred to in the proviso to sub-section (3), within one month from the expiry of such period."

12. *Amendment of section 86.*—Section 86 of the said Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub section shall be added, namely :—

"(2) Any dispute mentioned in sub section (1) other than a dispute relating to the recovery of money shall be referred to the Registrar within one month from the date of the cause of action."

13. *Amendment of section 133.*—In section 133 of the said Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely :—

"(bb) any directives issued by the State Government under section 41A; or"

14. *Amendment of section 140.*—In section 140 of the said Act, in sub-section (2) clause (iii) shall be omitted.

15. *Amendment of the Second Schedule.*—In the Second Schedule to the said Act, serial No. 6 and the entries relating thereto shall be omitted.

SHANTI S. DHAVAN,
Governor of West Bengal.

The 10th January, 1970.

Published in the *Calcutta Gazette* Ext. No. 912, dated December, 31, 1969/Pausa 10, 1891.

**The Bengal Finance (Sales Tax) (Second Amendment)
Ordinance, 1969.**

West Bengal Ordinance No. XVIII of 1969

Whereas it is expedient to amend the Bengal Finance (Sales Tax) Act, 1941, (Ben. Act VI of 1941.) for the purpose and in the manner hereinafter appearing;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased in exercise of the power conferred on him by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title*—This Ordinance may be called the Bengal Finance (Sales Tax) (Second Amendment) Ordinance, 1969.

2. *Amendment of Schedule I to Ben. Act VI of 1941.*—In Schedule I to the Bengal Finance (Sales Tax) Act, 1941, in item 17, for the existing entry in column 1, the following entry shall be substituted, namely :—

"Inferior grade of kerosene oil, that is to say, the kerosene referred to in item 7 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944), and having all the following characteristics also :—

(i) it is not lighter in colour than a solution with the following composition :—

Quarter normal aqueous solution of—

- (a) Ferric Chloride ($\text{Fe Cl}_3 \cdot 6\text{HO}$),
(b) Cobaltous Chloride ($\text{Co Cl}_2 \cdot 6\text{HO}$),
(c) Copper Sulphate ($\text{Cu SO}_4 \cdot 5\text{H}_2\text{O}$),

mixed in the ratio of 6 : 3 : 1, and

- (ii) it has a flashing point below 65.6° of Centigrade thermometer."

SHANTI S. DHAVAN,

The 29th December, 1969.

Governor of West Bengal.

The Hooghly River Bridge Act, 1969

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* Ext. Part III, No. 810, dated November 15, 1969/Kartika 15, 1891.

West Bengal Act XXXVI of 1969

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette* Extraordinary, of the 15th November 1969.]

An Act to re-enact, with modification, the provisions of the Hooghly River Bridges Act, 1968.

Whereas the Hooghly River Bridges Act, 1968, (President's Act 32 of 1968, providing for the construction, maintenance and control of bridges across the river Hooghly within the Port of Calcutta was enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal;

And whereas it is expedient to re-enact, with modification, the provisions of the said Hooghly River Bridges Act, 1968;

It is hereby enacted in the Twentieth Year of the Republic of India by the Legislature of West Bengal, as follows :—

1. *Short title and application*—(1) This Act may be called the Hooghly River Bridge Act, 1969.

(2) It shall apply to the Port of Calcutta as defined, from time to time, under section 5 of the Indian Ports Act, (1908 15 of 1908.)

Notes

Object.—"The fast growing volume of traffic between Calcutta and Howrah has rendered it urgently necessary to provide additional bridge or bridges across the river Hooghly with a view to relieving severe congestion of such traffic over the existing Howrah Bridge (Rabindra Setu) and tackling the future growth of traffic in this area.

Accordingly, the Hooghly River Bridges Act, 1968, was enacted as President's Act in order to provide for the construction, maintenance and control of additional bridge or bridges across the river Hooghly falling within the limits of the Port of Calcutta.

The purpose of the present Bill is to re-enact, with certain modifications, the aforesaid President's Act for carrying out the above purposes. The Bill also provides for financing a bridge constructed under its provisions by levy of tolls on vehicular and animal traffic. The principal modification made in the Bill is that the State Government has been empowered to set up a new body of Bridge Commissioners instead of appointing members of any local or statutory authority as the Commissioners. It also seeks to given the State Government more effective control on the construction and maintenance of such bridge or bridges and the approaches thereof." for the Statement of objects and Reasons see the *Calcutta Gazette*, Ext. Part IVA no 561, dated August, 8 1969/Sravara 17, 1891.

2. *Definitions.*—In this Act unless the context otherwise requires,—
- (a) ‘bridge’ includes a tunnel ;
 - (b) ‘Chairman’ includes a Vice Chairman, if any, appointed by the State Government under sub-section (3) of section 3 ;
 - (c) ‘Commissioners’ means the Hooghly River Bridge Commissioners, referred to in sub-section (1) of section 3 ;
 - (d) ‘notification’ means a notification published in the Official Gazette ;
 - (e) ‘prescribed’ means prescribed by rules made under this Act.

3. *Provisions of the Act to be carried out by Commissioners.*—(1) The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as the State Government may, by notification in the Official Gazette think fit to impose, be vested in a body of Commissioners to be called the Hooghly River Bridge Commissioners.

(2) The Commissioners shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, and to enter into any contract and shall by the said name sue and be sued.

(3) The body of Commissioners shall consist of a Chairman and such number of other members as the State Government may, by notification, appoint.

(4) The Chairman or any other member appointed under sub-section (3) shall be entitled to receive such fees for the performance of his duties under this Act as the State Government may prescribe.

4. *Resignation of Chairman and members.*—The Chairman or any other member of the body of Commissioners may resign his office by giving notice in writing to the State Government and on such resignation being accepted by the State Government he shall be deemed to have vacated his office.

5. *Validity of acts and proceedings.*—No act or proceeding of the Commissioners shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

6. *Transaction of business.*—(1) The Commissioners shall meet at such time and place and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meeting as may be prescribed.

(2) The Chairman or in his absence the Vice-Chairman, if any, shall preside at a meeting of the Commissioners and in the absence of both the Chairman and the Vice Chairman the members present shall elect one from amongst themselves to be the President of the meeting.

(3) All questions coming before a meeting shall be decided by the votes of the majority of members present and voting and in the case of equality of votes, the person presiding shall have a second or casting vote.

7. *Officers and other employees of the Commissioners.*—(1) The Commissioners may appoint such officers and other employees as they consider necessary for the efficient performance of their functions under this Act :

Provided that no post carrying a monthly salary of rupees one thousand or more shall be created or abolished without the prior approval of the State Government

(2) The terms and conditions of service of the officers and other employees of the Commissioners including their scales of pay shall be such as may be prescribed.

8. *Officers and other employees of the Commissioners not to have any interest in contract, etc.*—No person who has, directly or indirectly by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Commissioners or in any work undertaken by the Commissioners shall become or remain an officer or employee of the Commissioners.

9. *Functions of Commissioners*—Subject to the provisions of sub-section (1) of section 3 and section 30 the functions of the commissioners shall be—

(a) to construct bridge or bridges across the river Hooghly, according to such design, of such materials and quality, and at such place or places together with such approaches, as the Commissioners may, subject to the approval of the State Government, consider suitable; and

(b) to maintain, control and improve such bridge or bridges together with the approaches.

10. *Power to raise loans.*—(1) The Commissioners may, with the previous approval of the State Government and subject to such terms and conditions as the State Government may think fit to impose, raise such loans as are necessary for carrying out their functions under this Act.

(2) All loans raised under sub-section (1) shall be guaranteed by the State Government as to repayment of principal and payment of interest at such rate as the State Government may, in consultation with the Commissioners, fix at the time the loan is raised.

11. *Levy of tolls.*—(1) The Commissioners may, for the purpose of carrying out their functions under this Act, levy with the approval of the State Government, tolls at such rates not exceeding the rates specified in sub-section (2) on all types of vehicles and animals passing over or through a bridge constructed under this Act, as the Commissioners may think fit :

Provided that no toll shall be levied on any military or police vehicle, vehicle belonging to the Commissioners for the Port of Calcutta, ambulance car belonging to any local authority or hospital, or fire-fighting vehicle, using such bridge on duty.

(2) The maximum rates of toll that may be levied under sub-section (1) shall be as follows, namely :—

(a) Lorry, bus or tractor, with or without @ Rs. 1.50 each ;
trailer, and similar other heavy vehicles.

(b) Tempo, scooter-rickshaw, or any other @ Re. 0.50 each ;
power-driven carrier with three or less than
three wheels.

(c) Car or taxi (with or without trailer) @ Rs. 0.75 each;

(d) Motor cycle, scooter, cycle rickshaw or @ Rs. 0.25 each;
bicycle with a minimum of 3 riders including
the person driving.

(e) Animal ... @ Rs. 0.10 each.

(3) For the purpose of levy of tolls under sub-section (1), the Commissioners may establish such number of toll-bars as they consider necessary and may undertake collection of tolls through such officers as may be appointed by them for the purpose.

12. *Table of tolls to be published and hung up.*—The Commissioners shall, by notification, publish a table of tolls to be levied under sub-section (1) of section 11 and shall cause copies of such table legibly written in English, Bengali and Hindi to be hung up in some conspicuous place

near every toll-bar for the information of all persons required to pay such tolls.

13. *Power for recovery of tolls.*—(1) Any person appointed to collect tolls may refuse any vehicle or animal to pass through a toll-bar until the toll due on such vehicle or animal, as the case may be, has been paid.

(2) If the toll due on any vehicle or animal is not paid on demand the person appointed to collect the same may, without prejudice to the liability of any person for prosecution under any provision of this Act, seize the vehicle or animal, or such part of its load, if any, as may be sufficient in value to defray the toll, and if any toll remains unpaid for twenty-four hours, with the cost arising from such seizure, the case shall be brought before such officer as may be appointed by the Commissioners to superintend the collection of the said toll, who may, after issue of notice to hold a sale by auction not later than noon of the third following day, exclusive of Sunday or any closed holiday, sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale and cause any balance that may remain, to be returned, on demand, to the owner of the property :

Provided that if at any time before the sale has been concluded, the person whose property has been seized tenders to the officer holding the sale, the amount of all the expenses incurred and double the toll payable, the said officer shall forthwith release the property seized.

(3) If the load or part thereof seized under sub section (2) consists of articles which are subject, to speedy and natural decay, or consists of livestock, the same may forthwith be sold and the sale-proceeds dealt with in the manner specified in sub section (2).

(4) Notwithstanding anything contained in this section, the surplus of the sale-proceeds of any property seized under this section may be utilised for the payment of any fine imposed for contravention of the provisions of section 14, and any property which has been seized under this section may be sold for the realisation of any such fine.

14. *Prohibition of refusal or avoidance of payment of toll.*—No person taking through a toll gate any vehicle or animal shall refuse to pay the toll due on such vehicle or animal or shall fraudulently avoid payment of such toll.

15. *Prohibition of taking unauthorised tolls.*—No person who is appointed under this Act to collect tolls shall demand or take any toll other than that authorised under this Act.

16. *Composition in respect of tolls.*—The Commissioners may compound for any period not exceeding one year at a time, with any person for a certain sum to be paid by such person for a fixed number of vehicles or animals to be taken by him through a toll-gate, in lieu of the ordinary toll payable.

17. *Police-officers to assist.*—All police-officers shall be bound to assist the toll-collectors when required, and for that purpose, shall have the same powers as they have in the exercise of their ordinary police duties.

18. *The Hooghly River Bridge Fund.*—(1) The Commissioners shall maintain a fund to be called the Hooghly River Bridge Fund and credit shall be given to the said fund of any income derived from—

- (a) grant from Government or any other source;
- (b) loans from Government or any other source;
- (c) issue of debentures;
- (d) tolls collected under this Act; and

(e) any other source as may be approved by the State Government.

(2) All moneys belonging to the said Hooghly River Bridge Fund shall vest in the Commissioners in trust for the purposes of this Act

(3) The State Government may, by rules, provide for the manner of payment of moneys into the said Hooghly River Bridge Fund and for the investment, custody and disbursement of such moneys

19. *Accounts and audit.*—The Commissioners shall keep an account of all the receipts and expenditure in such manner and in such form as the State Government may prescribe and the account shall be examined and audited annually by an auditor or auditors appointed by the State Government.

20. *Budget.*—(1) The Commissioners shall by the first day of March each year cause to be prepared and submitted to the State Government a budget estimate showing in such form as may be prescribed, their anticipated income and expenditure for the next financial year.

(2) The State Government shall within thirty days from the date of receipt of the budget estimate either accord its approval to the same or return it to the Commissioners with such comments and suggestions thereon as it deems necessary.

(3) The Commissioners shall resubmit the budget estimate to the State Government within fifteen days from the date of receipt thereof together with their replies on the comments and suggestions made by the State Government and the State Government shall after considering these replies return the budget estimate within fifteen days thereafter with or without modifications and the budget estimate shall be deemed to have been finally approved with or without such modifications, as the case may be.

(4) If the State Government does not accord its approval to the budget estimate within thirty days of the receipt thereof for such approval or within fifteen days of the resubmission thereof with or without modification, the said estimate shall be deemed to have been approved by the State Government in the form in which it was last submitted to the State Government.

21. *Supplementary budget.*—The Commissioners may, at any time during the year for which any budget estimate has been prepared and approved under section 20, cause a supplementary estimate to be prepared and submitted to the State Government for approval in the same manner as if it were an original budget estimate.

22. *Power in case of default by Commissioners*—If, in the opinion of the State Government, the Commissioners have made default in the performance of their duties under this Act, the State Government may, by notification, dissolve the body of Commissioners constituted under section 3 and may, by notification, constitute another body of Commissioners or take under its own management the construction, maintenance, improvement and control of any bridge or bridges constructed under this Act together with the approaches thereto and also the arrangements for the service and repayment of any loan raised under this Act, and thereupon all the powers conferred and duties imposed by this Act upon the Commissioners and all contracts entered into or liabilities incurred by the Commissioners under this Act shall be deemed to be transferred to the Commissioners reconstituted as aforesaid or to the State Government, as the case may be, and the Commissioners so reconstituted or the State Government, as the case may be may take possession of the bridge or bridges constructed under this Act and the approaches

thereto and of all properties and moneys vested by this Act in the Commissioners :

Provided that before proceeding under this section the State Government shall give a reasonable opportunity to the Commissioners to show cause as to why the proposed action shall not be taken.

23 *Land and structures of bridges when to be exempt from or when to be liable to municipal taxation*—Lands required for the construction of any bridge under this Act including its foundations, approaches and slopes or for any improvement thereof together with all structures on such lands forming part of such bridge which vest in the Commissioners,—

(i) shall be exempt, or

(ii) shall not be exempt,

from the rate or rates leviable under the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), the Calcutta Municipal Act, 1923 (Bengal Act III of 1923), as extended to the Municipality of Howrah, the Howrah Municipal Act, 1965 (West Bengal Act XVII of 1965), the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), or the Chander-nagore Municipal Act, 1955 (West Ben. Act XVIII of 1955), as the case may be, according as—

(i) they are not, or

(ii) they are,

let out to tenants or otherwise utilised for deriving income.

Explanation.—In this section, the expression “income” does not include income from levy of tolls.

24 *Compulsory acquisition of land.*—Any land, with or without structures thereon, required by the Commissioners for carrying out their functions under this Act may be acquired under the provisions of the Land Acquisition Act, 1894 (I of 1894) and any such acquisition shall be deemed to be acquisition for a “public purpose” within the meaning of clause (f) of section 3 of that Act.

25 *Indemnity*—No person shall be entitled to any compensation for any loss or injury which he may sustain by reason of any obstruction to the navigation of the river Hooghly which may be caused by operations connected with the construction of any bridge or approaches under this Act or with the repair of such bridge or approaches or for any interference with any rights vested or otherwise, which may result from operations connected with such construction or repair.

26 *Protection of action taken under the Act.*—No suit or other legal proceeding shall lie against the Commissioners for any damage caused or likely to be caused and no suit prosecution or other legal proceeding shall lie against any person in the employment of the Commissioners, for anything in good faith done or purported to be done under this Act.

27. The Commissioners may, for the purpose of carrying out their functions under this Act, undertake survey of any area and for that purpose it shall be lawful for any officer of the Commissioners or the workmen of such officers—

(a) to enter upon and take level of any land; or

(b) to dig or bore into the sub-soil; or

(c) to mark levels and boundaries by placing marks and cutting trenches; or

(d) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that before entering upon any land, the Commissioners shall give notice of their intention to do so to the owner or occupier of the

land in such manner as may be prescribed.

28. *Power to prohibit sinking of or direct removal of tube-wells*—(1) In order to ensure the safety of any bridge or the approaches thereto constructed under this Act, the Commissioners may, after consultation with the chief executive officer of the municipal body concerned, the General Manager of the Calcutta Metropolitan Water and Sanitation Authority and the Commissioners for the Port of Calcutta, by notification, prohibit the sinking of tube-wells within such distance from the piers of such bridge as may be specified in the notification.

(2) The Commissioners may, by order to be served in such manner as may be prescribed, direct the removal, within such time as may be specified in the order, of any tube-well which is, in their opinion, likely to endanger the safety of any bridge or approaches constructed under this Act.

29. *Penalty*—(1) Whoever contravenes the provisions of section 14 or section 15 shall be punishable with fine which may extend to fifty rupees.

(2) Whoever contravenes the provisions of any notification issued under sub-section (1) of section 28 or fails to comply with any direction made under sub-section (2) of that section shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention or failure, with additional fine which may extend to fifty rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

30. *Directions by State Government*.—The Government may, after consultation with the Commissioners, give to the Commissioners, such directions relating to the performance of their functions and duties under this Act as appear to the State Government to be requisite in the public interest and the Commissioners shall give effect to such directions.

31. *Power to make Rules*—(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality thereof, the foregoing power, such rules may provide for all or any of the matters which are to be or may, under any provision of this Act, be required to be provided for by rules.

(3) Any rule made under this Act may provide that any person committing a breach thereof shall, on conviction, be punishable with fine which may extend to one hundred rupees and in the case of a continuing breach with an additional fine which may extend to twenty-five rupees for every day during which such breach continues after conviction for the first such breach.

Published in the *Calcutta Gazette* Ext. Part III A, No. 868, dated December 12, 1969 / Agrahayana 21, 1891.

**The West Bengal Homoeopathic System of Medicine
(Amendment) Ordinance, 1969**

West Bengal Ordinance No. XVI of 1969

Whereas it is expedient to Amend the West Bengal Homoeopathic System of Medicine Act, 1963, (West Ben Act XXXIII of 1963) for the purpose and in the manner hereinafter appearing;

And whereas the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

1. *Short title*.—This Ordinance may be called the West Bengal Homoeopathic System of Medicine (Amendment) Ordinance, 1969.

2. *Amendment of section 21 of West Ben. Act XXXIII of 1963*—In section 21 of the West Bengal Homoeopathic System of Medicine Act, 1963, in the proviso to sub-section (2), for the words “within a period of two years from the date of commencement of this Act”, the words and figures “on or before the 31st day of December, 1970” shall be substituted.

SHANTI S. DHAVAN,

Governor of West Bengal.

The 10th December, 1969.

The Calcutta Metropolitan Planning area (use and Development of land) control (Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* Ext. Part III, No. 830, dated November 27, 1969/Agrahana 6, 1891.

West Bengal Act XXXVII of 1969

(Passed by the West Bengal Legislature.)

(Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 27th November, 1969.)

An Act to amend the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965

Whereas it is expedient to amend the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965, (West Ben. Act XIV of 1965) for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title*.—This Act may be called the Calcutta Metropolitan Planning Area (Use and Development of Land) Control (Amendment) Act, 1969.

2. *Amendment of section 3 of West Ben Act XIV of 1965*.—In section 3 of the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965 (hereinafter referred to as the said Act),—

(a) after the words “to which this act applies”, the words “or in any part thereof” shall be inserted; and

(b) after the words “declare such area”, the words “or part thereof” shall be inserted.

3. *Substitution of new section for section 4*.—For section 4 of the said Act, the following section shall be substituted, namely:—

4. *“Issue of directions in respect of a controlled area*—(1) After an area or part thereof is declared to be a controlled area under section 3, the State Government may publish in the Official Gazette a notice of its intention to issue in relation to such controlled area such regulatory or prohibitory directions, to be specified in the notice; as it may consider necessary regarding any one or more of the following matters, namely:—

(a) the use of land by allocation of areas for agricultural, residential, industrial, commercial or other purposes;

(b) the division of any site into areas for erection of buildings;

(c) the allotment or reservation of land for roads, gardens, recreation grounds, schools, markets and for other purposes of general public interest;

(d) the development of any site into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(e) the making or extending of any excavation;

(f) the laying out of any access leading to any public road or channel; and

(g) any other matter which may be necessary for the orderly development of such controlled area.

(2) A notice under sub-section (1) shall specify—

(a) a date, not being earlier than sixty days from the date of publication of the notice in the Official Gazette, within which any objections or suggestions with regard to the proposed directions may be submitted by any person or local authority likely to be affected by such directions to the State Government for its consideration, and

(b) a date, not being earlier than fifteen days from the date specified under clause (a), for consideration of such objections or suggestions.

(3) The contents of the notice referred to in sub-section (1) shall also be published in such manner as may be prescribed.

(4) Such officer of the State Government not below the rank of a Deputy Secretary as may be authorised by the State Government in this behalf shall on the date specified in the notice under clause (b) of sub-section (2) or on such date or dates thereafter as may be fixed by him, after giving a reasonable opportunity of being heard to every person or local authority who may have submitted objections or suggestions in regard to the proposed directions on or before the date specified under clause (a) of sub-section (2), consider the objections and suggestions and submit a report of his decisions thereon together with the objections and suggestions to the State Government within such time as may be fixed by the State Government from time to time.

(5) On receipt of the report and the objections and suggestions under sub-section (4), the State Government may, after considering the same, by notification in the Official Gazette,—

(a) withdraw the notice of its intention to issue directions under sub-section (1), or

(b) issue the directions without any modification or with such modifications as it may consider necessary.

Provided that where any direction is issued under clause (c) of sub-section (1) for the allotment or reservation of any land for any of the purposes specified therein, such direction shall specify a period, not exceeding ten years from the date of the notification, for which such allotment or reservation of such land shall remain valid and such allotment or reservation shall, unless the directions are withdrawn or such land is acquired earlier under sub-section (6), stand cancelled on the expiry of the period so specified.

(6) If on the application of the owner of a property the State Government is satisfied that in consequence of any direction issued regarding any of the matters specified in clause (a) or clause (c) or clause (g) of sub-section (1) the owner has been prevented from making reasonably beneficial use of property or part thereof in its existing state, the State Government shall—

(a) exempt the property specifically from the direction; or
 (b) modify the direction in such manner as will enable the owner to make reasonably beneficial use of the property or part thereof in its existing state; or

(c) acquire the property or part thereof under the Land Acquisition Act, 1894 (1 of 1894):

Provided that—

(a) in determining the amount of compensation to be awarded for property to be acquired in pursuance of this Act—

(i) the date of notification under sub-section (5) issuing the direction shall be the date with respect to which the market value of the land under sub-section (1) of section 23 of the Land Acquisition Act, 1894, shall be determined.

(ii) the additional sum of fifteen per centum on the market value as provided by sub-section (2) of section 23 of the Land Acquisition Act, 1894, shall not be payable; and

(b) when the amount of compensation has been determined an interest at the rate of six per centum per annum shall be payable on such amount from the date of the notification under sub-section (5) till the date of its payment."

4. *Amendment of section 5.*—In sub-section (2) of section 5 of the said Act, after the words "appoint in respect of any area to which this Act applies", the words "or any part thereof" shall be inserted.

The City Sessions Court (Amendment) Act, 1969

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* Ext., Part III, No. 797, dated November 12, 1969/Kartika 21, 1891.

West Bengal Act XXXIII of 1969

[*Passed by the West Bengal Legislature*]

[Assent of the President was first published in the *Calcutta Gazette* Extraordinary, of the 12th November, 1969]

An Act to amend the City Sessions Court Act, 1953.

Whereas it is expedient to amend the City Sessions Court Act, 1953 (West Ben. Act XX of 1953) for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*—This Act may be called the City Sessions Court (Amendment) Act, 1969.

2. *Amendment of section 2 of West Ben. Act XX of 1953.*—In section 2 of the City Sessions Court Act, 1953 (hereinafter referred to as the said Act), clauses (5) and (6) shall be omitted.

3. *Amendment of section 6.*—In section 6 of said Act,—

(1) sub-section (2) shall be omitted;

(2) in sub-section (3), the words "Subject to the provisions of sections 7 and 8," shall be omitted.

4. *Omission of section 7.*—Section 7 of the said Act shall be omitted.

5. *Omission of section 8.*—Section 8 of the said Act shall be omitted.

6. *Omission of the First Schedule.*—The First Schedule to the said Act shall be omitted.

7. *Substitution of new Schedule for Second Schedule.*—For the Second Schedule to the said Act, the following Schedule shall be substituted, namely :—

THE SECOND SCHEDULE

[See section 17]

Amendments to the Code of Criminal Procedure, 1898

Heading, Marginal
Note, section or
Form

Amendments

1	2
Section 4	... In sub-section (1)— (i) omit clause (e) ; (ii) in clause (t), omit the words "and any person conducting a prosecution on behalf of Government in any High Court in the exercise of its original criminal jurisdiction".
Section 7	... In sub-section (1), omit the words "excluding the presidency-towns". Omit sub-section (4).
Heading after section 8	Omit the words "outside the presidency-towns".
Section 29	... In sub-section (2), omit the words "by the High Court or".
Section 198B	... Omit sub-section (12).
Heading under Chapter XVIII	Omit the words "or High Court".
Section 206	... In sub-section (1), omit the words "or High Court". Omit sub-section (2).
Section 207	... Omit the words "or High Court".
Section 207A	... In the proviso to sub-section (9), omit the portion beginning with the words "and, where the accused" and ending with the words "to give evidence on such trial". In sub-section (10), omit the words "the High Court or", and the words "as the case may be,". In sub-section (11), omit the first proviso and in the second proviso omit the word "also" occurring after the word "Provided". In sub-section (12), omit the words "or High Court" in the two places where they occur. In sub-section (13), omit the words "or High Court" wherever they occur and the words "as the case may be". In sub-section (14), omit the words "or where the commitment is made to the High Court, to the Clerk of the State or other officer appointed in this behalf by the High Court". Omit sub-section (15).
Section 211	... In sub-section (2), omit the portion beginning with the words "and where the accused is committed" and ending with the words "on such trial".
Section 213	... In sub-section (1), omit the words "the High Court or" and the brackets and words "(as the case may be)".

Heading, Marginal Note, section or Form 1	Amendments 2
Section 216	... Omit the first proviso. In the second proviso, omit the word "also".
Section 217	... In sub-section (1), omit the words "or High Court" in the two places where they occur. In sub-section (2), omit the words "or High Court" wherever they occur and the words "as the case may be".
Section 218	... In sub-section (1), omit the words and brackets "or (where the commitment is made to the High Court) to the Clerk of the State or other officer appointed in this behalf by the High Court". Omit sub-section (2).
Section 226	... Omit the words "or, in the case of a High Court, the Clerk of the State,".
Section 227	... In sub-section (1), omit the words "or High Court".
Heading under chapter XXXIII	Omit the words "High Court and".
Sections 266, 267 and 273	Omit sections 266, 267 and 273.
Section 274	... Omit sub-section (1).
Section 276	... Omit clause thirdly of the proviso.
Section 277	... Omit the proviso to sub-section (2).
Section 296	... Omit the words "before such Court".
Section 30	... Omit section 305.
Sections 312 to 318 and the group- heading	Omit the heading "J—List of jurors for High Court, and summoning jurors for that Court" and the provisions thereunder, namely, sections 312 to 318 (both inclusive).
Sections 333, 334 and 335 and the group heading	Omit the heading "L—Special provisions for High Courts" and the sections thereunder, namely, sections 333, 334 and 335.
Section 337	... In sub-section (1), omit the words "High Court or". In sub-section (2A), omit the words "or High Court, as the case may be".
Section 339A	... In clause (a) of sub-section (1), omit the words "High Court or".
Section 341	... Omit the words "in the case of a Court other than a High Court,".
Section 344	... In sub-section (2), omit the words "by a Court other than a High Court".
Section 347	... In sub-section (1), omit the words "or High Court".
Section 348	... In sub-section (1), omit the words "or High Court, as the case may be". In sub-section (2), omit the words "or High Court".
Marginal note of section 354	... Omit the words "outside presidency-towns".
Marginal note of section 358	... Omit the words "outside presidency-towns"

Heading, Marginal Note, section or Form	Amendment
1	2
Section 373	... After the words "District Magistrate", insert the words "or the Chief Presidency Magistrate, as the case may be,".
Marginal note of section 373	... Add the words "or the Chief Presidency Magistrate".
Section 411A	... In sub-section (1) omit the words "in the exercise of its original criminal jurisdiction". In sub-section (2), for the words "in the exercise of its original criminal jurisdiction", substitute the words "in a trial held by it".
Section 465	... In the marginal note, omit the words "or High Court". In sub-section (1), omit the words "or a High Court".
Section 469	... Omit the words "or High Court," in the two places where they occur and the words "as the case may be".
Section 478 and the marginal note thereof	... Omit the words "High Court" wherever they occur and the words "as the case may be".
Section 479	... Omit the words "High Court or" and the words "as the case may be,".
Section 487	... In sub-section (2), omit the words "or High Court".
Section 526	... In sub-section (2), for the words "from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe", substitute the words "from any Court, it shall observe".
Section 539	... Omit the words "or the Clerk of the State".
Form XXVIII in Schedule V	... Under the heading "(I) CHARGES WITH ONE HEAD"— (i) In paragraph (b), omit the words and brackets "[when the charge is framed by a Presidency Magistrate, for Court of Session substitute High Court]". (ii) In paragraphs (4) (5), (6), (7), (8), (9) and (10), omit the words and brackets "[or High Court]". Under the heading "(II) CHARGES WITH TWO OR MORE HEADS"— (i) In paragraph (b), omit the words and brackets "[or High Court]" in the two places where they occur. (ii) In paragraphs (3) and (4), omit the words and brackets "[or High Court]" wherever they occur Under the heading "(III) CHARGE FOR THEFT AFTER PREVIOUS CONVICTION"— For the words and brackets "[or High Court/Magistrate as the case may be]", substitute for the words "or Magistrate, as the case may be".

8. *Transitory provision.*—Nothing in this Act shall affect any case, appeal or other proceeding pending in the High Court on the date on which this Act comes into force, and every such case, appeal or proceeding shall be continued as if this Act had not been passed.

The West Bengal Premises Tenancy (Second Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette*, Ext., Part III, No. 803, dated November 14, 1969/Kārtika 23, 1891.

West Bengal Act XXXIV of 1969.

[Passed by the West Bengal Legislature]

An Act to amend the West Bengal Premises Tenancy Act 1956.

Whereas it is expedient to amend the West Bengal Premises Tenancy Act, 1956 (West Ben Act XII of 1956), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows —

1. *Short title.*—This Act may be called the West Bengal Premises Tenancy (Second Amendment) Act, 1969.

2. *Amendment of section 2 of West Ben. Act XII of 1956.*—In section 2 of the West Bengal Premises Tenancy Act, 1956 (hereinafter referred to as the said Act)—

(1) after clause (c), the following clause shall be inserted, namely:—
“(cc) “hotel or lodging house” means an establishment where lodging with or without board or other service is provided for a monetary consideration ;” ;

(2) after clause (d), the following clause shall be inserted, namely:—
“(dd) “manager of a hotel” includes any person in charge of the management of a hotel ;” ;

(3) after clause (e), the following clause shall be inserted, namely:—
“(ee) “owner of a lodging house” means any person who for the time being is receiving any monetary consideration from any person on account of board or lodging, or other service in the lodging house, and includes any person who is entitled to institute a suit for the recovery of such monetary consideration ;” .

3. *Amendment of section 4* —To sub-section (2) of section 4 of the said Act, the following proviso shall be added, namely :—

“Provided that a tenant may pay the rent payable for any month at any time during such month before it falls due.”.

4. *Amendment of section 13* —In section 13 of the said Act,—

(1) in sub section (1), for clause (f), the following clauses shall be substituted, namely :—

“(f) subject to the provisions of sub-section (3A) and section 18A, where the premises are reasonably required by the landlord for purposes of building or re-building or for making thereto substantial additions or alterations, and such building or re-building, or additions or alterations, cannot be carried out without the premises being vacated ;

(ff) subject to the provisions of sub-section (3A), where the premises are reasonably required by the landlord for his own occupation if he is the owner or for the occupation of any person for whose benefit the premises are held and the landlord or such person is not in possession of any reasonably suitable accommodation ;” ;

(2) after sub-section (3), the following sub-section shall be inserted, namely :—

3A Where a landlord has acquired his interest in the premises by transfer, no suit for the recovery of possession of the premises on any of the grounds mentioned in clause (f) or clause (ff) of sub-section (1) shall be instituted by the landlord before the expiration of a period of three years from the date of his acquisition of such interest:

Provided that a suit for the recovery of the possession of the premises may be instituted on the ground mentioned in clause (f) of sub-section (1) before the expiration of the said period of three years if the Controller on the application of landlord and after giving the tenant an opportunity of being heard, permits, by order, the institution of the suit on the ground that the building or re building, or the additions, or alterations as the case may be are necessary to make the premises safe for human habitation".

(3) in sub-section (4), for the words, letter and brackets "in clause (f)", the words, letters and brackets "in clause (f) or clause (ff)" shall be substituted.

5. *Insertion of new section 17D.*—After section 17C of the said Act the following section shall be inserted, namely:—

"17D. *Power of Court to set aside decrees passed on account of default in the payment of rent.*—(1) Where before the commencement of the West Bengal Premises Tenancy (Amendment) Act, 1968, (President's Act 4 of 1968) a decree for the recovery of possession of any premises was passed—

(a) in a suit under this Act, in which no order had been made under sub-section (3) of section 17 striking out defence against delivery of possession, only on the ground referred to in clause (i) of sub-section (1) of section 13, or

(b) in a suit under the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950, (West Ben. Act XVII of 1950) by reason only of clause (i) of the proviso to sub-section (1) of section 12 of that Act,

but the possession of such premises had not been recovered from the tenant by the execution of the decree, the tenant may within a period of sixty days from the date of commencement of the West Bengal Premises Tenancy (Second Amendment) Act, 1969, make an application to the Court which passed the decree to set aside the decree.

Explanation—Where the decree was passed in the exercise of appellate jurisdiction, an application under this sub-section shall be made to the Court of first instance.

(2) Where an application has been made under sub-section (1) for setting aside a decree, all proceedings in execution of the decree shall remain stayed until the application is disposed of.

(3) On receipt of an application under sub-section (1) the Court shall cause a notice thereof to be served on the landlord and after hearing such evidence as the parties may adduce, determine—

(a) (i) where the decree was passed in a suit under this Act, the total amount that the tenant was liable to deposit or pay in accordance with the provisions of sub-section (1) or sub-section (2) of section 17 during the period ending with the date of the decree, after giving credit for every deposit or payment made by the tenant in accordance with such provisions during such period, or

(ii) where the decree was passed in a suit under the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (West Ben. Act XVII of 1950) the total amount that the tenant would have been liable to deposit on account of rent including the arrears of rent during the

period ending with the date of the decree, had an order been made in the suit by the Court under sub-section (4) of section 14 of that Act for deposit of rent at the rate at which it was last paid and the arrears of rent, if any, after giving credit for every deposit made by the tenant for such rent or arrears during such period, and

(b) in either case, the total amount that the tenant remained liable to pay if he had to pay for the period commencing from the date of the decree and ending with the date of the order to be made under this sub-section, a monthly sum equivalent to the rent at which it was last paid after giving credit for all such sums that the tenant might have deposited in the Court or with the Controller or paid to the landlord for such period,

and direct the tenant, by order, to deposit in Court the aggregate of the amounts referred to in clauses (a) and (b), together with such further amount as the Court may allow as costs of the suit within such time, not exceeding sixty days from the date of the order, as the Court may fix.

(4) If the tenant deposits the amounts ordered by the Court within the time fixed by it the Court shall allow the application under sub-section (1) and set aside the decree for the recovery of possession passed in the suit and dismiss the suit.

(5) If the tenant fails to deposit the amounts ordered by the Court within the time fixed by it, his application under sub-section (1) shall be dismissed with such costs as the Court may award to the landlord."

6. *Amendment of section 18.*—In sub-section (1) of section 18 of the said Act,—

(1) for the words, letter and brackets "under clause (f)", the words letters and brackets "under clause (f) or clause (ff)" shall be substituted;

(2) for the words "are re-let within six months", the words "are re-let within two years" shall be substituted;

(3) after the words "within nine months of his vacating the premises", the words "or where the premises have been re-let within two years, within three months of such re-letting" shall be inserted.

7. *Insertion of new section 18A.*—After section 18 of the said Act, the following section shall be inserted, namely :—

"18A. *Restoration of tenancy where decree for recovery of possession is passed under clause (f) of sub section (1) of section 13.*—(1) Where the Court passed a decree for recovery of possession of any premises on the ground mentioned in clause (f) of sub-section (1) of section 13, it shall specify the period within which the building or re-building, or the additions or alterations, on or to such premises shall be completed and may on the application of the landlord extend such period from time to time for good and sufficient reasons."

(2) On the completion of the building or re-building, or the additions or alterations, on or to such premises the Controller may, on the application of the tenant who has been ejected from such premises made within three months of the date of such completion and after giving the landlord an opportunity of being heard, by order direct the landlord to put such tenant in possession of such premises or such part thereof as the Controller may specify in his order within fourteen days of the date of the order.

(3) If upon an order being made under sub-section (2), the landlord fails or neglects to deliver possession of such premises or such part thereof as is specified in the order to the tenant within the time specified, then the Controller shall execute the order and put the tenant in

possession of such premises or such part thereof and in that event the tenant shall be liable to pay fair rent in respect of such premises or such part thereof from the date of delivery of such possession.”.

8. *Amendment of section 21.*—In section 21 of the said Act,—

(1) to sub-section (1), the following proviso shall be added, namely:—

“Provided that where any rent is remitted by the tenant to the landlord by postal money order, the date of issue of the postal money order shall, for the purposes of this sub-section, be deemed to be the date of tender of such rent by the tenant to the landlord.”;

(2) after sub-section (4), the following sub section shall be inserted namely:—

“(4A) Where rent for any month or period has been deposited under this section on the ground that the landlord did not accept the rent when tendered by the tenant, then, notwithstanding anything contained in sub-section (1), the tenant may, without further tender of the rent to the landlord, continue to deposit the rent for subsequent months or periods unless the landlord signifies by notice in writing to the tenant his willingness to accept the rent if tendered to him within the time referred to in section 4.”.

9 *Amendment of section 22* — To sub-section (1) of section 22 of the said Act, the following proviso shall be added, namely:—

“Provided that where any rent remitted to the landlord by postal money order within the time referred to in section 4 is returned to the tenant by the postal authorities as undelivered either on account of the landlord having refused to accept payment thereof or for any other cause, such rent may also be validly deposited for the purposes of the said clause within fifteen days from the date on which it is so returned to the tenant”.

10. *Insertion of new Chapter IVA* —After Chapter IV of the said Act the following Chapter shall be inserted, namely:—

CHAPTER IVA.

Hotels and Lodging Houses

25A. *Fixation of fair rate and number of lodgers*—The Controller shall, on the application made by any person interested, —

(a) fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house and in fixing such fair rate specify separately the rate for lodging, board or other service;

(b) fix the number of lodgers to be accommodated in each room or specified unit of accommodation in a hotel or lodging house.

25B. *Revision of fair rate and number of lodgers.*—The Controller may from time to time revise the fair rate or the number of lodgers fixed under section 25A.

25C. *Notice of fair rate and number of lodgers to be displayed.*—The manager of a hotel or the owner of lodging house shall, where the fair rate or the number of lodgers has been fixed under section 25A for a hotel or lodging house, display in a conspicuous part of the hotel or lodging house a notice of the fair rate and the number of lodgers so fixed.

25D *Agreement for payment of charges in excess of fair rate.*—An agreement for the payment of any charge in excess of the fair rate referred to in section 25A shall be null and void in respect of such excess and shall be construed as if it were an agreement for the payment only of such fair rate.

25E. *No eviction if fair rate paid.*—No manager of a hotel or owner of a lodging house shall have any right to evict or refuse board or other service to a lodger as long as he pays or tenders payment of the fair rate fixed under section 25A and observes and performs the other conditions of the agreement in so far as they are not inconsistent with the provisions of this Chapter:

Provided that a lodger shall not be entitled to the benefit of this section—

(a) if the lodger has been guilty of conduct which is a nuisance or annoyance to the other lodgers of the hotel or lodging house; or

(b) if the lodger has continuously been absent from such hotel or lodging house for a period exceeding two months; or

(c) if the lodger having contracted to stay for any specified period stays beyond that period unless the Controller on an application made to him in this behalf extends the period.

25F. *Punishment.*—(1) Every manager of a hotel or owner of a lodging house who accommodates a lodger or permits lodgers to be accommodated in a room or specified unit of accommodation in a hotel or lodging house in excess of the number fixed by the Controller under section 25A, except with the consent of all the lodgers of such room or specified unit of accommodation, shall on conviction in a Criminal Court be punished with fine which may extend to one thousand rupees.

(2) Every manager of a hotel or owner of a lodging house who fails to display a notice as required under section 25C of the fair rate or the number of lodgers fixed under section 25A shall on conviction in a Criminal Court be punished with fine which may extend to five hundred rupees”

11. *Amendment of section 30*—In section 30 of the said Act, after sub-section (5), the following sub-section shall be added, namely:—

“(6) Any landlord who after obtaining delivery of possession of any premises from the tenant in pursuance of a decree obtained under clause (ff) of sub-section (1) of section 18 contravenes the provision of sub-section (1) of section 18 by re-letting such premises within two years of the date of obtaining delivery of possession to any person other than such tenant without the permission of the Controller, shall, on the complaint of such tenant made to the Controller, be liable to a fine which may extend to one thousand rupees.”

12. *Amendment of section 31.*—In section 31 of the said Act,—

(1) for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted;

(2) for the words “one thousand rupees”, the words “two thousand rupees” shall be substituted.

13. *Retrospective effect.*—The amendments made to the said Act by section 4, 7, 8 and 9 of this Act shall have effect in respect of suits including appeals which are pending at the date of commencement of this Act.

The City Civil Court (Amendment) Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* Ext., Part III, No. 804, dated November 14, 1969.

West Bengal Act XXXV of 1969.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 14th November, 1969.]

An Act to amend the City Civil Court Act, 1953

Whereas it is expedient to amend the City Civil Court Act, 1953, (West Ben. Act XXI of 1953), for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twentieth Year of the Republic of India by the Legislature of West Bengal, as follows:—

1. *Short title*—This Act may be called the City Civil Court (Amendment) Act, 1969.

2. *Amendment of section 5 of West Ben. Act XXI of 1953*.—In subsection (2) of section 5 of the City Civil Court Act, 1953 (hereinafter referred to as the said Act).—

(a) the words and figure “and of section 9,” shall be omitted;

(b) for the words “rupees ten thousand”, the words “rupees fifty thousand” shall be substituted.

3. *Omission of section 9*.—Section 9 of the said Act shall be omitted.

4. *Amendment of the First Schedule*.—In the First Schedule to the said Act, items 2, 3, 4, 5, 6, 7, 9, and 11 shall be omitted.

5. *Amendment of the Second Schedule*.—In the Second Schedule to the said Act, under the heading “Act of the West Bengal Legislature”; for the existing entries, the following entries shall be substituted, namely:—

“1956. XII. *The West Bengal Premises Tenancy Act, 1956*.—In the Schedule, in clause (1), for sub-clauses (i) and (ii) and the provisos, the following shall be substituted, namely:—

(i) where the value of the suit does not exceed fifty thousand rupees—to the City Civil Court as defined in the City Civil Court Act, 1953 (West Ben. Act XXI of 1953).

(ii) where the value of the suit exceeds fifty thousand rupees—to the High Court at Calcutta.”

6. *Savings*.—Nothing in this Act shall apply to or affect any suit, appeal or proceeding pending in the Calcutta High Court or, the Court of Small Causes, Calcutta at the date of commencement of this Act and such suit, appeal or proceeding shall be continued in such Court as if this Act had not been passed.

The Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Act 1969.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette, Ext.*, Part III, No. 741, dated October 16, 1969/Asvina 24, 1891.

West Bengal Act XXVI of 1969

(Passed by the West Bengal Legislature.)

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 16th October 1969.]

An Act to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to West Bengal.

Whereas it is expedient to amend the Bengal, Agra and Assam Civil Courts, 1887, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Act, 1969.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Application of the Act.*—The Bengal, Agra and Assam Civil Courts Act, 1887 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

3. *Amendment of section 19 of Act XII of 1887.*—In section 19 of the said Act.—

(a) in sub-section (1), for the words “two thousand rupees” the words, “Five thousand rupees” shall be substituted;

(b) in sub-section (2), for the words “five thousand rupees”, the words “seven thousand and five hundred rupees” shall be substituted.

4. *Amendment of section 21.*—In clause (a) of sub-section (1) of section 21 of the said Act, for the words “ten thousand rupees”, the words “fifteen thousand rupees” shall be substituted.

5. *Savings.*—Nothing in this Act shall apply to or affect any appeal from any decree or order passed before the commencement of this Act.

The West Bengal Payment of Subsistence Allowance Act, 1969.

The following Act of the West Bengal Legislature, having been assented to by the President was published in the *Calcutta Gazette*, Ext., Part III, No. 93, dated February 7, 1970/Magha 18, 1891.

West Bengal Act XXXVIII of 1969

[Passed by the West Bengal Legislature.]

Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 7th February, 1970.

An Act to provide for payment of subsistence allowance to employees in certain establishments during the period of suspension.

Whereas it is expedient to provide for payment of subsistence allowance to employees in certain establishments during the period of suspension and for matters connected therewith;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title, extent and Commencement.*—(1) This Act may be called the West Bengal Payment of Subsistence Allowance Act, 1969.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “employee” means any person employed in or in connection with the work of any establishment to do skilled, semi-skilled or unskilled manual, supervisory, technical, clerical or any other kind of work for hire or reward, whether the terms of employment be express or implied; but does not include any such person who is employed mainly in a managerial or an administrative capacity or as an out-worker, that is to

say, a person to whom any articles or materials are given out by or on behalf of the employer to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted otherwise processed by such out-worker in any place not under the control and management of the employer;

(b) "employer" means the owner of an establishment and includes any person responsible to the owner for supervision and control of the establishment;

(c) "establishment" means any place where any industry, trade, business, undertaking, manufacture, occupation or service is carried on but does not include any office or department of any Government or any establishment of any railway, major port, mine oil-field;

(d) "period of suspension", in a case where express permission of the authority under sub-section (1) of section 33 of the Industrial Disputes Act, 1947; (Act 14 of 1947) is necessary before the employment of an employee can be validly terminated, includes the period until such permission is obtained and termination of service is effected;

(e) "prescribe" means prescribed by rules made under this Act;

(f) "suspension" means an interim decision of an employer as a result of which an employee is debarred temporarily from attending his office and performing his functions in the establishment where he is employee on the ground either that a disciplinary proceeding has already been, or is shortly to be, instituted against him or that a criminal proceeding in respect of an offence alleged to have been committed by him is under investigation or trial;

(g) "wages" shall have the meaning assigned to it in clause (rr) of section 2 of the Industrial Disputes Act, 1947,

3. *Payment of subsistence allowance* (1)—An employee who is placed under suspension shall, during the period of such suspension, be entitled to receive payment from the employer as subsistence allowance an amount equal to fifty per centum of the wages which the employee was drawing immediately before such suspension;

Provided that where the period of suspension exceeds 90 days the amount of subsistence allowance shall be increased after the expiry of 90 days to seventy-five per centum of the wages which the employee was drawing immediately before suspension.

Provided further that an employee shall not be entitled to any subsistence allowance if he accepts employment during the period of suspension in any place other than the establishment where he had been working immediately before his suspension.

(2) An employee shall not in any event be liable to refund or forfeit any part of the subsistence allowance admissible to him under sub-section (1) but when an employee is exonerated of the charge which caused his suspension the subsistence allowance paid to him for any period shall be adjusted against the full wages admissible to him for the same period.

4. *Recovery of money due from an employer*.—Where any money is due to an employee from an employer under this Act, the employee himself or any other person authorised by him in this behalf, or in the case of the death of the employee, his legal representative may, without prejudice to any other mode of recovery, make an application to the State Government in such manner as may be prescribed for the recovery of

money due to him, and if the State Government, after giving the employer an opportunity of being heard in such manner as may be prescribed, is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the employee from the employer:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the State Government is satisfied that the applicant had sufficient cause for not making the application within the said period

5. *Saving of certain rights and privileges.*—Nothing in this Act shall affect any right or privilege to which any employee is entitled on the date of commencement of this Act under any law for the time being in force or under any contract, custom or usage which is more favourable to him than any right or privilege conferred upon him by this Act.

6. *Power to grant exemption.*—The State Government may, if it thinks fit so to do in the public interest, by notification in the *Official Gazette* exempt, subject to such conditions, if any, as may be specified in such notification, from the operation of all or any of the provisions of this Act, any class or classes of establishments, for such period or periods and for such reasons as may be specified in the said notification.

7. *Delegation of powers.*—The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act or the rules made thereunder shall in relation to such matters and subject to such conditions, if any, as may be specified in such notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the said notification.

8. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

9. *Penalties.*—Whoever contravenes any provision of this Act or any rule made thereunder shall be punishable with imprisonment for a term which may extend to three months or with fine which shall be not less than one thousand rupees or with both.

10. *Offence by Companies etc.*—Where a person committing an offence under this Act is a Company or other body corporate or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

11. *Cognizance of offence.*—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the State Government.

(2) No court inferior to that of a Presidency Magistrate or Magistrate of the First Class shall try any offence punishable under this Act.

12. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the *Official Gazette*, issue such directions not inconsistent with

the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

13. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for any matter which may be or is required to be prescribed.

The West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1970

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette*, Ext., Part III, No. 159, dated March 3, 1970/Phalgunā 12, 1891.

West Bengal Act XVI of 1970

[Passed by the West Bengal Legislature]

[Assent of the President was first published in the *Calcutta Gazette Extraordinary*, of the 3rd March, 1970]

An Act to amend the West Bengal Land (Requisition and Acquisition) Act, 1948.

Whereas it is expedient to amend the West Bengal Land (Requisition and Acquisition) Act, 1948, (West Ben Act, II of 1948) for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1970.

2. *Amendment of the preamble of West Ben. Act II of 1948.*—In the preamble of the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to as the said Act), the words “for people residing” shall be omitted.

3. *Amendment of section 3.*—In sub-section (1) section 3 of the said Act, the words “for people residing” shall be omitted.

4. *Repeal and savings.*—(1) The West Bengal Land (Requisition and Acquisition) (Amendment) Ordinance, 1969, (West Ben. Ord. XIII of 1969) is hereby repealed.

(2) Anything done or any action taken under the said Act as amended by the West Bengal Land (Requisition and Acquisition) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 16th day of October, 1969.

The West Bengal Premises Tenancy (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the President was published in the *Calcutta Gazette*, Ext., Part III, No. 163, dated March 6, 1970/Phalgunā 15, 1891.

West Bengal Act XVIII of 1970.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette Extraordinary*, of the 6th March, 1970.]

An Act to amend the West Bengal Premises Tenancy Act, 1956.

Whereas it is expedient to amend the West Bengal Premises Tenancy

Act, 1956 (West Ben. Act XII of 1956), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twenty first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Premises Tenancy (Amendment) Act, 1970.

2. *Amendment of section 1 of West Bengal Act XII of 1956.*—In the second proviso to sub-section (3) of section 1 of the West Bengal Premises Tenancy Act, 1956 (hereinafter referred to as the said Act), in clause (a), the words "or taken on lease by" shall be omitted.

3. *Amendment of section 2*—The Explanation under clause (f) of section 2 of the said Act shall be omitted.

4. *Insertion of new section 17E* After section 17D of the said Act, the following section shall be inserted, namely :—

"17 *Power of Court to set aside certain decrees passed in suits brought by transferee landlords within three years from the date of transfer*—(1) Where before the commencement of the West Bengal Premises Tenancy (Second Amendment) Act, 1969 (West Ben. Act XXXIV of 1969), a decree for the recovery of possession of any premises was passed in a suit which had been brought by a landlord, who had acquired his interest in such premises by transfer, before the expiration of a period of three years from the date of his acquisition of such interest only on one or more of the grounds mentioned in clause (f) of sub-section (1) of section 13 as it was in force before such commencement, but the possession of such premises has not been recovered from the tenant by the execution of the decree, the tenant may, within a period of sixty days from the date of commencement of the West Bengal Premises Tenancy (Amendment) Act 1970, make an application to the Court which passed the decree to set aside the decree.

Explanation—Where the decree was passed in the exercise of appellate jurisdiction, an application under this sub-section shall be made to the Court of first instance.

(2) Where an application has been made under sub-section (1) for setting aside a decree, all proceedings in execution of the decree, shall remain stayed until the application is disposed of.

(3) On receipt of an application under sub-section (1) the Court shall cause a notice thereof to be served on the landlord and if after considering such evidence as the parties may adduce,—

(a) the Court is not satisfied that the suit in which the decree was passed had been brought by a landlord, who had acquired his interest in the premises by transfer, before the expiration of a period of three years from the date of his acquisition of such interest, the Court shall dismiss the application with such costs as the Court may award to the landlord or,

(b) the Court is satisfied that the suit in which the decree was passed had been brought by a landlord who had acquired his interest in the premises by transfer before the expiration of a period of three years from the date of his acquisition of such interest, the Court shall determine the amount which would have been payable by the tenant for the period commencing from the date of the decree and ending with the date of the order to be made under this sub-section, if during such period the tenant had to pay, month by month, a sum equivalent to the rent at the rate at which it was last paid and after deducting therefrom all such sums as the tenant may have deposited in Court or

with the Controller for such period, the Court shall direct the tenant, by order, to deposit in Court the remaining amount together with such further amount as the Court may allow as costs of the suit, within such time, not exceeding sixty days from the date of the order, as the Court may fix.

(4) If the tenant deposits the amounts ordered by the Court under clause (b) of sub-section (3) within the time fixed by it, the Court shall allow the application under sub-section (1) and set aside the decree for the recovery of possession passed in the suit and dismiss the suit.

(5) If the tenant fails to deposit the amounts, ordered by the Court under clause (b) of sub-section (3) within the time fixed by it, his application under sub-section (1) shall be dismissed with such costs as the Court may award to the landlord."

5. *Amendment of section 18.*—In section 18 of the said Act,—

(1) in sub-section (1), for the words "two years" at two places where they occur, the words "ten years" shall be substituted ;

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Without prejudice to the provisions of sub-section (1), where the landlord obtaining delivery of possession of any premises from the tenant in pursuance of a decree made on the ground mentioned in clause (ff) of sub-section (1) of section 18 was, at the time of obtaining such delivery of possession, in occupation of some other premises as owner thereof, he shall not, within ten years from the date of his obtaining such delivery of possession, let such other premises to any person other than the tenant from whom such delivery of possession had been obtained, except with the permission of the Controller obtained in the prescribed manner; and in case the landlord lets such other premises to any person other than such tenant in contravention of the provisions of this sub-section, the Controller may, on the application of such tenant made within three months of such letting and after giving the landlord an opportunity of being heard, by order, direct the landlord to pay to such tenant such compensation as may be deemed adequate by the Controller in all circumstances of the case."

6. *Insertion of new section 25G.*—After section 25F of the said Act, the following section shall be inserted, namely :—

"25G. *Chapter IVA not to apply to certain hotels or lodging houses.*—The provisions of Chapter IVA shall not apply to hotels or lodging houses included in the list of hotels or lodging houses approved by the Department of Tourism of the Government of India."

7. *Amendment of section 30.*—For sub-section (6) of section 30 of the said Act, the following sub-section shall be substituted, namely :—

"(6) Any landlord who after obtaining delivery of possession of any premises from the tenant in pursuance of a decree obtained under clause (ff) of sub-section (1) of section 18,—

(a) contravenes the provisions of sub-section (1) of section 18 by reletting such premises within ten years of the date of obtaining delivery of possession to any person other than such tenant without the permission of the Controller, or

(b) contravenes the provisions of sub-section (3) of section 18 by letting the premises of which he was in occupation as owner thereof at the time of obtaining delivery of possession of any premises from the tenant in pursuance of a decree obtained under clause (ff) of sub-section (1) of section 18 within ten years of the date of obtaining such delivery

of possession to any person other than the tenant from whom such delivery of possession was obtained without the permission of the Controller.

shall, on the complaint of such tenant made to the Controller, be liable to a fine which may extend to one thousand rupees."

The Calcutta University (Amendment) Act, 1970

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* Ext., Part III, No. 101, dated February 12, 1970/Magha 23, 1891.

West Bengal Act I of 1970.

(Passed by the West Bengal Legislature)

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 12th February, 1970]

An Act to re-enact the provisions of the Calcutta University (Amendment) Act, 1968.

Whereas certain amendments were made to the Calcutta University Act, 1968 (West Ben. Act II of 1968) by the Calcutta University (Amendment) Act, 1968, (President's Act 5 of enacted by the President of India during the period of operation of the Proclamation is sued by the President of India on the 20th day of February, 1968 1968 under article 356 of the Constitution of India in relation to the State of West Bengal ;

And whereas it is expedient to re-enact the provisions of the said Calcutta University (Amendment) Act, 1968 ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Calcutta University (Amendment) Act, 1970.

2. *Amendment of section 19 of West Ben. Act II of 1966* —In section 19 of the Calcutta University Act, 1966 (hereinafter referred to as the said Act), in sub-section (1), under the heading "(b) Other members",—

(b) in clause (xx), the words "not being Professional Colleges," shall be omitted and shall be deemed always to have been omitted ;

(b) in clause (xxiv), the words "not being Professional Colleges," shall be omitted and shall be deemed always to have been omitted ;

(c) for clause (xxx), the following clause shall be substituted and shall be deemed always to have been substituted, namely :—

"(xxx) not more than twenty-five and not less than five persons elected by registered graduates from among themselves, the number of such persons to be elected being calculated on the basis of one person for every three hundred registered graduates;"

(d) in clause (xxxi), for the word "twenty", the word "ten" shall be substituted and shall be deemed always to have been substituted.

3. *Amendment of section 22.*—In sub-section (1) of section 22 of the said Act, in clause (vii), under the heading "(b) Other members", the words "not being a Professional College" shall be omitted and shall be deemed always to have been omitted.

4. *Amendment of section 24.*—In section 24 of the said Act, in sub-section (1), under the heading "(b) Other members",—

(a) in clause (xv), the words "not being Professional Colleges," shall be omitted and shall be deemed always to have been omitted ;

(b) after clause (xvi), the following clause shall be added and shall be deemed always to have been added, namely :—

"(xvii) four persons elected by Readers and Lecturers of the University, not being Heads of Departments, from among themselves."

5. *Amendment of section 28.*—For sub-section (1) of section 28 of the said Act, the following sub-sections shall be substituted and shall be deemed always to have been substituted, namely :—

“(1) There shall be such Councils for Post-Graduate Studies as may be prescribed by Regulations.

(1A) Every Council for Post-Graduate Studies shall consist of the following members, namely :—

(i) the Vice-Chancellor,

(ii) the Pro-Vice-Chancellor for Academic Affairs,

(iii) the Secretary of the Council,

(iv) the Dean of the Faculty concerned, and such other Dean or Deans as may be nominated by the Vice-Chancellor,

(v) the Head or Heads of the Department or Departments concerned, if any,

(vi) the Professor or Professors of the Department or Departments concerned, if any,

(vii) ten persons, being teachers participating in Post-Graduate Teaching in the subject or subjects concerned, of whom five shall be elected by such teachers of Constituent and Professional Colleges from among themselves and five shall be elected by such teachers of the University, not being Professors or Heads of Departments, from among themselves, and

(viii) not exceeding three persons, having special knowledge in the subject or subjects concerned, elected by the Academic Council:

Provided that in the cases of Councils for Post-Graduate Studies—

(i) in Engineering Home Science, Law Medicine, Social Welfare and Business Management, Veterinary Science and Dental Science, the Principal or Principals of the College or Colleges concerned.

(ii) in Commerce, the Head of the Department of Economics, and

(iii) in Journalism, the Heads of the Departments of Economics, History and Political Science and the Centenary Professor of International Relations,

shall be additional members of the Council :

Provided further that in the case of the Council for Post-Graduate Studies in Medicine, the Director of Health Services, Government of West Bengal, shall be a member of the Council ; and in the case of the Council for Post-Graduate Studies in Technology, the Council shall have power to co-opt a representative each of the Government of West Bengal and of the Government of India as additional members of the Council.

(1B) The Vice-Chancellor shall be the Chairman and the Pro-Vice-Chancellor for Academic Affairs shall be the Vice-Chairman of every Council for Post-Graduate Studies.”.

6. *Amendment of section 58.*—In section 58 of the said Act,—

(i) after sub-section (3), the following sub-section shall be inserted, namely :—

(3A) If for any reason,—

(a) the constitution of the Senate, the Syndicate and the other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under sub-section (1), then, on the expiry of such period, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the Vice-Chancellor whose period of office has expired or another person

to be the Vice-Chancellor for the purposes of this section for such period not exceeding one year as the Chancellor thinks fit, or

(b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period not exceeding one year as the Chancellor thinks fit, and references in this Act to the first Vice-Chancellor shall be deemed to include references to the Vice-Chancellor appointed under this sub-section;" ;

(ii) for sub-section (8), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

"(8) In construing the provisions of section 19, section 22, section 24 and section 28, and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) in relation to the constitution under this section, of the Senate, the Syndicate, the Academic Council, the Faculties, the Councils for Post Graduate and Under-Graduate Studies and the Boards of Studies,—

(a) "Constituent Colleges" shall mean the following Colleges, namely :—

- (i) the Presidency College, Calcutta ;
 - (ii) the Sanskrit College, Calcutta ;
 - (iii) the Bengal Engineering College, Shibpur ;
 - (iv) the Medical College, Calcutta ;
 - (v) the R. G. Kar Medical College, Belgachia, Calcutta ;
 - (vi) the All India Institute of Hygiene and Public Health, Calcutta ;
- and
- (vii) the Institute of Post-Graduate Medical Education and Research, Calcutta ;

(b) "Professional Colleges" shall mean the following Colleges, namely :—

- (i) the National Medical College, Calcutta ;
- (ii) the Nilratan Sarkar Medical College, Calcutta ;
- (iii) the Bankura Sammilani Medical College ;
- (iv) the University Law College Calcutta ;
- (v) the Surendranath Law College Calcutta ;
- (vi) the David Hare Training College, Calcutta ;
- (vii) the Union Charistian Traiding College, Berhampur ;
- (viii) the Institute of Education for Women, Calcutta ;
- (ix) the Belurmath Ramkrishna Mission Siksha Mandir ;
- (x) the Jbargram Sevayatan Sikshan Mahavidyalaya ;
- (xi) the Agartala Teachers' Training College, Tripura ;
- (xii) The Bengal Veterinary College, Belgachia, Calcutta ;
- (xiii) the Calcutta Dental College ;
- (xiv) the College of Leather Technology (formerly Bengal Tanning Institute), Calcutta ;
- (xv) the College of Ceramic Technology, Calcutta ;
- (xvi) the Berhampur College of Textile Technology ;
- (xvii) the College of Textile Technology, Serampore ;
- (xviii) the Calcutta Girls' B. T. College, Calcutta ;
- (xix) the Gopal Chandra Memorial B. T. College, New Barrackpore, 24 Parganas ; and

- (xx) the All Bengal Teachers' Training College, Calcutta ;
- (c) "registered graduates" shall mean—
- (a) graduates of the University of Calcutta registered under the Indian Universities Act, 1904 (8 of 1904), or under the Calcutta University Act, 1951 (West Ben. Act XVIII of 1951), who compounded for all payments of the annual fee for retention of their names in the register by paying the sums prescribed in that behalf, and
- (b) persons holding the degree of a Master or a higher degree of the University of Calcutta as constituted under the Indian Universities Act, 1904, or the Calcutta University Act, 1951, or graduates of such University of at least three years' standing, who have paid on or before a date to be fixed by the Vice-Chancellor by an order in writing, not being earlier than the thirtieth day from the date of the order, a subscription of ten rupees for the enrolment as registered graduates for the purpose of the first election under clause (xxx) of sub-section (1) of section 19 and have been enrolled as such,
- (d) references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Calcutta, immediately before the date of the appointment of the first Vice-Chancellor.

The Burdwan University (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III, No. 702, dated February 12, 1970.

West Bengal Act II of 1970

Passed by the West Bengal Legislature.

Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 12th February, 1970.

An Act to amend the Burdwan University Act, 1959.

Whereas it is expedient to amend the Burdwan University Act, 1959 (West Ben. Act XXIX of 1959) for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title*.—This Act may be called the Burdwan University (Amendment) Act, 1970.

2. *Amendment of section 16 of West Ben. Act XXIX of 1959*.—In section 16 of the Burdwan University Act, 1959,—

(1) in sub-section (2), for the words "the University may, subject to the approval of the Chancellor, appoint one of its members", the words "the Chancellor in consultation with the Minister may appoint any person shall be substituted;

(2) in sub-section (3), for the words beginning with the words "the Chancellor shall" and ending with the words "of the Vice-Chancellor", the following shall be substituted, namely:—

"the Chancellor in consultation with the Minister shall, until a new Vice-Chancellor is appointed under sub-section (1), authorise any person to exercise the powers and perform the duties of the Vice-Chancellor".

3. *Repeal and savings*.—(1) The Burdwan University (Amendment) Ordinance, 1969 (West Ben. Ord. XII of 1969) is hereby repealed.

(2) Anything done or any action taken under the Burdwan University Act, 1959 (West Ben. Act XXIX of 1959) as amended by the Burdwan University (Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 3rd day of October, 1969.

The Calcutta Municipal (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor was published in the *Calcutta Gazette*, Ext., Part III, No. 121, dated February 23, 1970.

West Bengal Act III of 1970.

Passed by the West Bengal Legislature,
Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 23rd February, 1970.

An Act to amend the Calcutta Municipal Act, 1951.

Whereas it is expedient to amend the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Twenty first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title*—This Act may be called the Calcutta Municipal (Amendment) Act, 1970.

2. *Insertion of new section 153A in West Ben. Act XXXIII of 1951.*—In Chapter IX of the Calcutta Municipal Act, 1951, after section 153, the following section shall be inserted, namely:—

153A. "*Power to Corporation to raise short-term loans*—Notwithstanding anything contained in this Chapter, the Corporation may, with the previous sanction of the State Government, from time to time take a short-term loan, repayable within any period not exceeding twelve months, from the State Bank of India for such purpose, not being a purpose referred to in sub-section (1) of section 131, as may be approved by the State Government on such terms and on furnishing such security for the repayment of the loan as may be sanctioned by the State Government:

Provided that where the Corporation has taken any loan under this section, no fresh loan shall be sanctioned by the State Government under this section until after the repayment of the previous loan."

The Bengal State Aid to Industries (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III, No. 122, date February 23, 1970.

West Bengal Act IV of 1970.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 23rd February, 1970.]

An Act to re-enact the provisions of the Bengal State Aid to Industries (Amendment) Act, 1968.

Whereas certain amendments were made to the Bengal State Aid to Industries Act, 1931 (Ben. Act III of 1931), by the Bengal State Aid to Industries (Amendment) Act, 1968 (President's Act 31 of 1963), enacted by the President of India during the period of operation of the Proclamation issued on the 20th day of February, 1968, by the President of India under article 356 of the Constitution of India in relation to the State of West Bengal;

And whereas it is expedient to re-enact the provisions of the said Bengal State Aid to Industries (Amendment) Act, 1968 ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Bengal State Aid to Industries (Amendment) Act, 1970.

2. *Amendment of section 2 of Ben. Act III of 1931.*—In the Bengal State Aid to Industries Act, 1931 (hereinafter referred to as the said Act), in section 2, clause (3) shall be omitted.

3. *Amendment of section 3.*—In sub-section (1) of section 3 of the said Act, for clause (f), the following clause shall be substituted, namely :—

“(f) one member, being an officer in the service of Government, to be appointed by the State Government ;”.

The Bengal Vagrancy (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III, No. 123, dated February 23, 1970.

West Bengal Act V of 1970.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Ext., of the 23rd February, 1970.]

An Act to re-enact, with modification, the provisions of the Bengal Vagrancy (Amendment) Act, 1968.

Whereas certain amendments were made to the Bengal Vagrancy Act, 1943 (Ben. Act VII of 1943), by the Bengal Vagrancy (Amendment) Act, 1968 (President's Act 23 of 1968), enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal ;

And whereas it is expedient to re-enact, with modification, the provisions of the said Bengal Vagrancy (Amendment) Act, 1968 ;

It is hereby enacted in the Twenty first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Bengal Vagrancy (Amendment) Act, 1970.

2. *Amendment of section 2 of Ben. Act VII of 1943* —After clause (1) of section 2 of the Bengal Vagrancy Act, 1943 (hereinafter referred to as the said Act), the following clause shall be inserted, namely :—

“(1a) “Board of Visitors” means a Board of Visitors established under sub-section (1) of section 13A ;

3. *Insertion of new section 13A.*—After section 13 of the said Act, the following section shall be inserted, namely :—

13A, *Board of Visitors.*—(1) For every receiving centre and every vagrants' home, the State Government shall establish a Board of Visitors, constituted in such manner and consisting of such number of members as may be prescribed.

(2) A Board of Visitors may visit the receiving centre or the vagrants' home for which it is established and record its comments on any matter it may think fit pertaining to the working of the receiving centre or the vagrants' home for the consideration of the officer-in-charge of the receiving centre or the Manager of the vagrants' home and for this purpose, any member of the Board of Visitors shall have the right to visit such receiving centre or vagrants' home at any time between the hours of sunrise and sunset.

(3) Copies of comments recorded by a Board of Visitors under sub-section (2) shall, as soon as may be after they are recorded, be forwarded by the officer-in charge of the receiving centre or the Manager of the vagrants' home as the case may be, to the Board."

4. *Amendment of section 28*—After clause (h) of sub-section (2) of section 28 of the said Act, the following clause shall be inserted, namely :—

"(hh) the manner in which a Board of Visitors may be constituted under sub-section (1) of section 13A and the number of members which a Board of Visitors may consist of ;".

The Oriental Gas Company (Amendment) Act, 1970 .

The following Act of the West Bengal Legislature, having been assented to by the President was published in the *Calcutta Gazette*, Ext., Part III, No. 128, dated February 24, 1970/Phalguna 5, 1891.

West Bengal Act VI of 1970

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 24th January, 1970]

An Act to re-enact, with modification, the provisions of the Oriental Gas Company (Amendment) Act, 1968.

Whereas certain amendments were made to the Oriental Gas Company Act, 1960 (West Ben Act XV of 1960), by the Oriental Gas Company (Amendment) Act, 1968 (President's Act 15 of 1968), enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968 under article 356 of the Constitution of India, in relation to the State of West Bengal ;

And whereas it is expedient to re-enact, with modification, the provisions of the said Oriental Gas Company (Amendment) Act, 1968 :

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Oriental Gas Company (Amendment) Act, 1970.

(2) It shall be deemed to have come into force on the 1st day of October, 1960.

2. *Amendment of section 4 of West Ben. Act XV of 1960.*—In section 4 of the Oriental Gas Company Act, 1960 (hereinafter referred to as the said Act) for the words "With effect from the appointed day and for a period of five years thereafter—", the following words shall be substituted, namely :—

"Subject to the provisions of sub-section (2A) of section 7, with effect from the appointed day and for a period of five years thereafter, or, in the case of acquisition of the undertaking of the Company under section 7, till the date of such acquisition, whichever is earlier—"

3. *Amendment of section 7.*—In section 7 of the said Act, after sub-section (2), the following sub sections shall be inserted, namely :—

"(2A). On the vesting of the undertaking of the Company in the State Government, the provisions of clauses (c) and (d) of section 4 shall continue to have effect as if the limitation regarding the period of five years or the period till the acquisition of the undertaking of the Company were not mentioned in that section.

(2B) Every person employed in connection with the undertaking of the Company and continuing in office immediately before the date of vesting of the undertaking of the Company in the State Government

under sub-section (2) shall be employed by the State Government on such terms and conditions (not being less advantageous than what they were entitled to immediately before such date) as may be determined by the State Government and until his employment is terminated or until such terms and conditions are duly altered by the State Government by rules made in this behalf : .

Provided that if the alteration so made is not acceptable to any such person, his employment may be terminated by the State Government on payment to him by the State Government of compensation equivalent to three months' remuneration, if he is a permanent employee, and one month's remuneration, if he is not a permanent employee."

4. *Amendment of section 8.*—For sub-section (1) of section 8 of the said Act, the following sub-section shall be substituted, namely :—

"(1) In respect of the taking over of the management and control under section 3, or acquisition under section 7, of the undertaking of the Company, there shall be paid by the State Government to the Company, compensation to be determined under sub-section (2), in accordance with the following principles, namely :—

(a) in the case of the taking over of the management and control of the undertaking of the Company, the annual compensation payable shall be a sum representing the average of the net annual income of the undertaking of the Company over a period of three accounting years ending in June, 1960 ;

(b) in the case of acquisition of the undertaking of the Company, the compensation payable by the State Government shall be a sum representing eight times the average net income of the undertaking of the Company over a period of five complete years preceding the year in which the undertaking of the Company has been transferred to the State Government under clause (a) of section 4 for the purpose of management and control.

Explanation.—In this sub-section, "net annual income of the undertaking of the Company" means the difference between the amount of gross revenue receipts and other general receipts accountable in the assessment of Indian income-tax arising from, and ancillary or incidental to, the business of the Company and the amount of expenditure incurred on the following—

- (a) rents, rates and taxes,
- (b) interest on loans and security deposits,
- (c) maintenance and repair,
- (d) collection charges,
- (e) cost of management, including the remuneration of Managing Agents, if any

(f) other expenses admissible under the law for the time being in the assessment of Indian income-tax and arising from, and ancillary or incidental to, the business of Company."

5. *Amendment of section 9.*—In sub-section (4) of section 9 of the said Act, for the words "date of issue", the following words shall be substituted, namely :—

"date of vesting of the undertaking of the Company under sub-section (2) of section 7".

6. *Amendment of section 10.*—In sub-section (2) of section 10 of the said Act,—

(1) after clause (a), the following clause shall be inserted, namely :—

"(aa) the terms and conditions of service of persons employed in the undertaking of the Company and referred to in sub-section (2B) of section 7."

7. *Addition of new section 12.*—After section 11 of the said Act, the following section shall be added, namely :—

12. *"Indemnity.*—No suit or other legal proceeding shall lie against any person for anything which is in good faith done or purported to have been done in pursuance of the provisions of this Act."

The West Bengal Markets Regulation Act, 1970

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* Part III, No. 129, dated February 24, 1970/Phalgun 5, 1891.

West Bengal Act VII of 1970

Passed by the West Bengal Legislature.

Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 24th February, 1970.

An Act to re-enact, with modification, the provisions of the West Bengal Markets Regulation Act, 1968.

Whereas the West Bengal Markets Regulation Act, 1968, (President's Act 28 of 1968) providing for the regulation of markets in the State of West Bengal in which agricultural produce is bought or sold was enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal

And Where it is expedient to re-enact with modification, the provisions of the said West Bengal Markets Regulation Act 1968;

It is hereby enacted in the Twenty-first Year of the Republic of India by the Legislature of West Bengal, as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the West Bengal Markets Regulation Act, 1970.

(2) It extends to the whole of West Bengal

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas.

2. *Definitions* —In this Act, unless the context otherwise requires,—

(1) "agricultural produce" means any produce of agriculture, horticulture, pisciculture, forestry or animal husbandry or any other produce declared by the State Government, by notification in the Official Gazette to be agricultural produce for the purposes of this Act, and includes any such produce which has been wholly or partly processed;

(2) "broker" means an agent whose ordinary course of business is to negotiate and make contracts on payment of commission for the purchase or sale of agricultural produce on behalf of his principal, but does not include a servant of such principal engaged in negotiating or making such contracts;

(3) "Calcutta" has the same meaning as in the Calcutta Municipal Act, 1951; (West Ben. Act XXXIII of 1951.)

(4) "commission agent" means a person who buys and sells agricultural produce for any person, keeps it in his custody and cart rolls it during the process of its sale or purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in each transaction;

(5) "Director" means the Director of Agriculture, West Bengal,

and includes the Additional Director of Agriculture (Marketing), West Bengal;

(6) "District Magistrate" means the Chief Officer charged with the executive administration of a district in criminal matters by whatever designation called, and includes an Additional District Magistrate;

(7) "Inspecting Officer" means an Inspecting Officer appointed under section 23;

(8) "licensing authority" means the authority referred to in section 3 for issuing a licence under that section;

(9) "market" means any place at which people ordinarily assemble, either daily or on fixed days for the purchase or sale of agricultural produce, irrespective of whether any other commodity is purchased or sold in such place or not, and includes any place at which any fair or mela is held for more than three consecutive days;

Provided that the State Government may, if it so thinks fit in the public interest, by notification in the Official Gazette, declare any such place not to be a market and thereupon such place shall not be deemed to be a market for the purposes of this Act.

(10) "market-committee" means a market committee constituted under sub-section (1) of section 9 and includes a special market committee constituted under the proviso to that sub-section;

(11) "measurer" means a person whose business is to measure a consignment of agricultural produce for sale;

(12) "prescribed", means prescribed by rules under this Act;

(13) "proprietor", in relation to a market, includes the lessee thereof;

(14) "rent", in relation to a market, means anything lawfully payable in cash or in kind to the proprietor of the market for the use or occupation of any land, with or without any structure thereon, in the market;

(15) "standard weight" and "standard measure" have the same meanings respectively assigned to them in the West Bengal Standards of Weights and Measures (Enforcement) Act, 1958 (West Ben. Act XXIII of 1958);

(16) "Sub-divisional Magistrate" means any Magistrate in charge of a sub-division of a district and includes an Additional Sub-divisional Magistrate;

(17) "trade allowance" means anything realised in cash or in kind by the purchaser from the seller in any transaction relating to agricultural produce either by deduction from the price agreed upon or otherwise;

Explanation.—In this clause "purchaser" includes a commission agent;

(18) "warehouseman" means a person whose business is to store agricultural produce in any building, structure or enclosure on behalf of persons depositing such produce; and

(19) "weighman" means a person who, in the ordinary course of business, is engaged in the weighing of agricultural produce in connection with a transaction of sale or purchase thereof.

3. *Licence for proprietors of markets.*—After six months from the commencement of this Act in any area—

(a) no person shall establish a new market in such area, and

(b) no proprietor of an existing market in such area shall continue to run such market, except under and in accordance with the terms and conditions of a licence issued to him in this behalf by such authority, in such form and subject to such terms and conditions as may be prescribed :

Provided that—

(i) the State Government may, by notification in the Official Gazette, extend the said period of six months to such extent as may be specified in the notification in respect of any area or any class of market ;

(ii) it shall not be necessary for any local authority or market committee to take out any licence under this section in respect of any market of which such local authority or market committee is the proprietor.

4. *Application and fee for licence.*—An application for a licence under section 3 shall be made to the licensing authority in such form and containing such particulars and shall be accompanied by such fee, not exceeding two hundred rupees, as may be prescribed.

5. *Period of licence and renewal.*—A licence issued under section 3 shall be valid for a period of one year from the date of its issue and may, from time to time, be renewed for a period not exceeding one year at a time by the licensing authority on application made in this behalf in such manner as may be prescribed and on payment of a fee equal to one-half the amount of the fee payable for the issue of the licence in the first instance.

6. *Liability for taking or renewing licence.*—The person establishing a new market or the proprietor of an existing market actually running such market shall be responsible for taking out or renewing under section 3 or section 5, as the case may be, the licence required in respect of the market.

7. *Refusal to issue or renew licence in respect of a market.*—The licensing authority may refuse—

(a) to issue a licence under section 3 in respect of any market which is proposed to be established or is existing on the date of application for the licence, if such market does not satisfy the requirements of this Act and the rules made thereunder ; or

(b) to renew the licence under section 5 in respect of any market if the terms and conditions of the existing licence are not complied with to the satisfaction of the licensing authority :

Provided that in the case of a market existing on the date of application for the licence, the licensing authority may issue an interim licence for such period and on such terms and conditions, as may be prescribed so as to enable the proprietor thereof to comply with the requirements of this Act and the rules made thereunder.

8. *Duties of proprietors of markets.*—It shall be the duty of the proprietor of every market—

(1) to maintain in such manner as the market committee may, having regard to local conditions, direct, the structures, pathways and open spaces in the market ; and

(2) to make in the market such arrangements as the market committee may, having regard to local conditions, direct—

(a) for conservancy and drainage,

(b) for the supply of drinking water for the persons and animals using and used in the market, and

(c) generally for the safety and convenience of the persons, animals and vehicles using and used in the market.

9. *Market committees*—(1) The State Government may, by notification in the Official Gazette, constitute for such area as may be specified in the notification a market committee which shall in that area exercise and perform the powers and duties conferred and imposed on a market committee by or under this Act:

Provided that if, in respect of any market, the State Government thinks fit so to do in the public interest, it may at any time, by notification in the Official Gazette, constitute a special market committee for such market.

(2) Notwithstanding anything contained in sub-section (1), when a special market committee referred to in the proviso to that sub-section is constituted for any market, such special market committee shall, to the exclusion of any other market committee, exercise and perform in respect of such market the powers and duties conferred and imposed on a market committee by or under this Act.

10. *Incorporation of market committees*.—Every market committee shall be a body corporate by such name as the State Government may specify in the notification constituting the market committee, shall have perpetual succession and a common seal may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property movable or immovable, to enter into contracts and to do all such things as may, from time to time, be necessary for the purpose of carrying out its functions under this Act:

Provided that save as the State Government may, by general or special order, otherwise direct, no market committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting of the market committee by not less than three-fourths of its members and with previous sanction of the State Government.

11. *Members of market committees*.—(1) Every market committee shall consist of twelve members as follows:—

(a) an officer of the State Government who shall be the President of the market committee;

(b) an officer of the Directorate of Agriculture, West Bengal, having jurisdiction over the area for which the market committee is constituted who shall be the Secretary of the market committee;

(c) one person to represent the members of any co-operative marketing society or societies holding licence or licences for transacting business in any market in the area over which the market committee has jurisdiction or if there is no such marketing society in such area, to represent the members of any other co-operative society or societies functioning in such area;

Explanation.—In this clause—

(i) “co-operative society” means a co-operative society registered under the Bengal Co-operative Societies Act, 1940 (Ben. Act XXI of 1940);

(ii) “co-operative marketing society” means a co-operative society which has as its principal object the object of promotion of sale or purchase of agricultural produce;

(d) two persons, one to represent the proprietors of markets in the area over which the market committee has jurisdiction and the other to represent the local authority in such area;

(e) five persons to represent the growers of agricultural produce in the area over which the market committee has jurisdiction;

Explanation.—In this clause “grower of agricultural produce” includes a person who produces by himself or by hired labour or otherwise, or receives under a tenancy-agreement, any agricultural produce, but does not include a person who acts as a commission agent or dealer in respect of such agricultural produce ;

(f) two persons to represent the licensed vendors using the markets in the area over which the market committee has jurisdiction.

(2) The members of every market committee shall be appointed by the State Government in consultation with the Director :

Provided that the representatives mentioned in clauses (c), (d), (e) and (f) of sub-section (1) shall, in the case of a market committee for any area outside Calcutta, be appointed after considering also the recommendations of the District Magistrate.

12. *Disqualification for membership of a market committee.*—No person who—

(a) is an employee of a market committee, or

(b) has been declared by a competent court to be of unsound mind, or

(c) is an undischarged insolvent, or

(d) has been convicted by a court of law for an offence involving moral turpitude, shall be eligible to be appointed as a member of any market committee.

13. *Term of office.*—The members of every market committee shall hold office for such term, not less than three years, and on such terms and conditions as may be prescribed :

Provided that a member of a market committee may, on the expiry of his term of office, be re-appointed.

14. *Casual vacancy.*—(1) If, at any time, a vacancy occurs in the office of a member of a market committee by reason of the non-acceptance of office by a person appointed as such member or by the removal death or resignation of such member before the expiry of his term of office, the vacancy shall be filled in by a fresh appointment of a person belonging to the class which such member represented.

(2) Every such person shall hold office so long only as the member in whose place he is appointed would have held office if the vacancy had not occurred.

15. *Removal of member.*—The State Government may, by notification in the Official Gazette, remove any member of a market committee from his office as such, if such member has, in the opinion of the State Government, been guilty of misconduct or neglect of duty or become disqualified within the meaning of section 12 :

Provided that before issuing any such notification in respect of any member of a market committee the State Government shall communicate to him in writing the reasons for the proposed removal and shall give him an opportunity of making his representation, if any, against such removal.

16. *Validity of action of a market committee.*—No action of a market committee shall be called in question merely by reason of the existence of any vacancy in or any defect in the constitution of, the market committee at the time of taking such action.

17. *Staff of market committee.*—A market committee may, for the purpose of carrying out its functions under this Act, employ such officers and other employees on such pay and allowances and on such terms and conditions as may be prescribed :

Provided that no member of a market committee shall be appointed to be an employee thereof.

18. *Duties of market committee.*—(1) The duties of a market committee shall be generally to make enquiries or cause enquiries to be made and submit, in Calcutta to the Director and in any other place, to the District Magistrate, such periodical reports as may be prescribed, on the working of the provisions of this Act and the rules made thereunder and the observance thereof by all persons concerned, in respect of every market within the local limits of its jurisdiction, and in particular to—

(a) direct, having regard to local conditions, in what manner the structures, pathways and open spaces in such market shall be maintained and what arrangements shall be made therein for conservancy, drainage and supply of drinking water ;

(b) grant or renew licences under section 22 and to make or cause to be made such enquiries as may be necessary for the purpose ;

(c) administer the Market Committee Fund referred to in subsection (1) of section 21 and maintain the accounts thereof in the prescribed manner ;

(d) make enquiries or cause enquiries to be made and submit reports, in Calcutta to the Director and, in any other place, to the Sub-divisional Magistrate, on matters relating to the fixation under section 25 of fair and equitable rents or rates of rent in such market when so required by the Director or the Sub-divisional Magistrate, as the case may be, and also on matters, if any involving contravention of the provisions of this Act or the rules made thereunder in respect of such market ;

(e) keep a set of standard weights and standard measures in each such market against which weighing and measurement may be checked ;

(f) collect and furnish such statistics and information relating to every such market and the marketing of agricultural produce as may be required by the Director, the District Magistrate or any other person authorised by the State Government in this behalf ;

(g) publish and disseminate in the prescribed manner for the benefit of sellers and purchasers the prescribed market information and such other instructions as may be issued by the Director in this behalf ;

(h) settle such disputes between buyers and sellers of agricultural produce or their agents in such manner as may be prescribed ;

(i) promote grading and standardisation of such agricultural produce in such manner as may be prescribed ;

(j) standardise market practices and methods of sale and purchase of agricultural produce in the prescribed manner ; and

(k) perform such duties as may be entrusted to it from time to time by the State Government or the Director.

(2) Subject to rules made under this Act, a market committee, other than a special market committee referred to in the proviso to subsection (1) of section 9, may delegate to a sub-committee or sub-committees constituted by it from amongst its members in such manner as may be prescribed, all or any of its functions under this Act in respect of any market or any class of markets over which it has jurisdiction.

19. *Establishment of markets by market committee.*—(1) If in the opinion of the State Government it is necessary so to do for the efficient regulation of markets in any area, the State Government may direct the market committee having jurisdiction over such area to establish one or more markets in such area.

(2) Where the State Government directs a market committee to establish any market, the State Government may acquire any land which, in its opinion, is needed for the purposes of such market under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or any other corresponding law for the time being in force.

(3) Any land acquired under sub-section (2) shall be transferred by the State Government to the market committee on payment by the market committee of the compensation awarded in accordance with the law under which such land is acquired and of all other charges incurred by the State Government on account of the acquisition, within such period and in such manner as the State Government may, by order determine and on being so transferred, such land shall vest in the market committee.

(4) A market committee shall maintain and manage any market established by it under this section in accordance with such directions as the Director, in Calcutta and, in any other place, the District Magistrate may, from time to time, issue in this behalf.

20. *Dissolution of market committee.*—If at any time the State Government considers it necessary so to do in the public interest, it may, by notification in the Official Gazette, dissolve any market committee and proceed to reconstitute it in accordance with the provisions of section 11 and appoint a person to perform the functions of the market committee, until it is so reconstituted.

21. *Market committee fund.*—(1) For every market committee, there shall be fund to be called the Market Committee Fund which shall be credited all income derived by the market committee from fees for the issue or renewal of licences under section 22 and all other moneys received by the market committee from any source whatsoever including rents or any donation or contribution from a private person and all expenses incurred by the market committee for the purposes of this Act shall be paid out of the said fund.

(2) Any surplus remaining in the Market Committee Fund after meeting all expenditure under sub-section (1) shall be invested in such manner as may be prescribed.

(3) Expenditure may be incurred from the Market Committee Fund for the following purposes, namely :—

(a) payment of pay, pension, leave allowances, gratuities, compensatory allowances and contributions towards leave allowances, pension and provident fund of the officers and other employees employed by the market committee ;

(b) payment of interest on loans, if any, raised by the market committee for carrying out its functions under this Act and provision of a sinking fund for the purpose of repayment of such loan ;

(c) acquisition or taking on lease, of any premises or site for the office of the market committee or for carrying out any other purposes of this Act ;

(d) acquisition of a site or sites for any market to be established by the market committee and construction, repair, maintenance and improvement of any buildings or other structures necessary for the purposes of such market ;

(e) construction, repair, maintenance and improvement of any buildings or structures for the office of the market committee or necessary for carrying out any other purposes of this Act ;

(f) maintenance of sets of standard weights and standard measures referred to in section 18 ;

(g) collection, furnishing, publication and dissemination of statistics, information and other instructions referred to in section 18 ;

(h) meeting all other expenditure incurred by the market committee under or for the purposes of this Act.

(4) The Market Committee Fund shall be operated by the President jointly with the Secretary or another member of the market committee and the accounts thereof shall be kept and audited in such manner as may be prescribed.

22. *Licence for sellers and purchasers for resale of articles, etc., in markets*—(1) After six months from the commencement of this Act in any area, no person shall, within any market in such area, carry on business or act as a broker, commission agent, weighman, measurer or warehouseman or sell or purchase for resale any prescribed article or set-up, establish or continue a stall, shed, or other structure for storage, sale or purchase for resale of such article, except under and in accordance with the terms and conditions of a licence issued in this behalf under sub-section (2) :

Provided that—

(i) it shall not be necessary for any local authority to take out any licence under this section ;

(ii) the State Government may, in the public interest, by notification in the Official Gazette, exempt such classes of sellers or purchasers for resale as may be specified in such notification from the operation of this section.

(2) Any person desiring to obtain a licence under sub-section (1) may make an application to the concerned market committee in such form as may be prescribed.

(3) On receipt of an application under sub-section (2), the market committee may issue the licence in such form and subject to such terms and conditions and for such period as may be prescribed and on payment of fees at such rates, not exceeding such maximum rates as may be prescribed, as the market committee may determine.

(4) Any licence issued under sub-section (3) may be renewed by the market committee from time to time on application made in this behalf by the licensee and on payment of a fee equal to the fee payable for the issue of such licence in the first instance.

(5) The market committee may refuse to issue or renew any licence under this section in favour of any person if it is satisfied that such person has previously been convicted by a court of law for an offence punishable under this Act.

(6) The market committee may, after giving the holder of a licence granted under this section, an opportunity of showing cause in such manner as may be prescribed, cancel his licence or suspend it for such period as it thinks fit for any breach of the terms and conditions of the licence or for any contravention of the provisions of this Act.

(7) Where any licence is cancelled or suspended under sub-section (6), the licensee shall not be entitled to any compensation therefor nor shall he be entitled to the refund of any fee paid by him for the licence.

23. *Inspecting Officers*.—(1) The State Government may appoint as many Inspecting Officers as may be necessary for carrying out the purposes of this Act and may, by general or special order, define the jurisdiction of each such Inspecting Officer.

(2) Subject to the provisions of this Act, an Inspecting Officer shall perform his duties under the superintendence in Calcutta, of the Director, and in any other place, of the District Magistrate.

(3) The duties of an Inspecting Officer shall be—

(a) to make enquiries and submit reports on matters relating to the grant or renewal of licences under section 3 or section 5, as the case may be, when so required by the licensing authority ; and

(b) to perform such other duties as may be entrusted to him from time to time by the State Government or the Director.

24. *Power to require production of books accounts, etc.*—For the purpose of performing the duties under this Act and the rules made thereunder, a market committee or an Inspecting Officer may require the proprietor of any market within its or his jurisdiction or any licensed vendor therein to produce for inspection before any person authorised in this behalf by such market committee or before such Inspecting Officer, as the case may be, any books, accounts, licences or other documents relating to such market or any transaction therein, of which such proprietor or vendor may be in possession and thereupon such proprietor or vendor, as the case may be, shall be bound to comply with such requisition.

25. *Fair and equitable rent in market.*—(1) The proprietor of every market situated within any area in which this Act is brought into force shall, within a period of three months from—

(a) the date on which this Act is brought into force in that area, in the case of markets existing on such date, and

(b) the establishment of the market in the case of markets established after such date,

submit in Calcutta, to the Director, and in any other place, to Sub-divisional Magistrate, a statement in the prescribed form showing rents or rates of rent which he may have been charging or proposes to charge from different persons for use of such market and such other information as may be prescribed.

(2) On the expiry of the period of three months referred to in sub-section (1), the Director or the Sub-divisional Magistrate, as the case may be, shall make or cause to be made such inquiries as may be prescribed and shall,—

(a) where he is satisfied that the rents or rates of rent charged or proposed to be charged by the proprietor are fair and equitable, declare, the same to be so, and

(b) where he is not so satisfied, or where no statement is furnished as required by sub-section (1), fix the rents or rates of rent to be charged by the proprietor from different persons for use of the market and declare the same to be fair and equitable, and shall indicate in such declaration the date from which the declaration shall take effect.

(3) The Director or the Sub-divisional Magistrate as the case may be, shall cause copies of every declaration made under sub-section (2) to be maintained in his own office and in the office of the market committee concerned and to be published in the market concerned and in such other manner as may be prescribed.

(4) Subject to any orders that may be passed in appeal under section 31, all rents or rates of rent in respect of which a declaration has been published under sub-section (3) shall be deemed to be fair and equitable rents or rates of rent within the meaning of this Act with effect from the date from which such declaration takes effect.

26. *Fees tolls or other charges and rent in excess of fair and equitable rent not to be received or realised.*—After a declaration as to the fair and equitable rents or rates of fixed under section 25 comes into effect in any market, the proprietor of such market shall not receive or realise from any person using the market, any fees, tolls or other charges, either in cash or in kind for selling any article in such market or any rent in excess of the fair and equitable rent or rates of rent so fixed in respect of any land, stall, shed or other structure in the market

27. *Prohibition as to trade allowance*—No trade allowance other than such as may be prescribed, shall be received or given by any person in any transaction.

28. *Power of Director, District Magistrate and Sub-divisional Magistrate in respect of non-observance of the provisions of section 8.*—If on application by a market committee or by any Inspecting Officer or on local inspection or inquiry, the Director, the District Magistrate or the Sub-divisional Magistrate is satisfied that any of the duties referred to in section 8 is not being properly performed by the proprietor of any market, he may, after giving the proprietor an opportunity of being heard, issue an order directing the proprietor to take such action within such period as may be specified in the order:

Provided that no such order shall require any proprietor to take any action involving an expenditure in any year of an amount in excess of fifty per cent. of the gross annual rent realisable from such market.

29. *Power to secure compliance with an order under section 28.*—(1) Subject to the provisions of section 32, if the proprietor of any market fails to carry out an order, issued under section 28 within the period specified in the order, the Director, the District Magistrate or the Sub-divisional Magistrate, as the case may be, may cause the order to be given effect to by such other agency as he may think fit so that the cost thereof does not exceed in any year fifty per cent. of the gross annual rent realisable by the proprietor from the market and then recover from the proprietor such cost together with a sum not exceeding fifty per cent. of such cost, by way of penalty.

(2) Any sum recoverable from the proprietor of any market under sub-section (1) shall be recoverable as a public demand.

30. *Appeal against order of the licensing authority under section 7 or of the market committee under section 22.*—(1) Any person aggrieved by an order of the licensing authority under section 7 refusing to issue or renew a licence or of the market committee under section 22 refusing to issue or renew or a licence or cancelling or suspending a licence may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority, in such manner and on payment of such fee, not exceeding twenty rupees, as may be prescribed:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible and the decision of the appellate authority thereon shall be final.

31. *Appeal against declarations made by the Director or the Sub-divisional Magistrate under section 25.*—(1) Any person aggrieved by a

declaration made by the Director or the Sub-Divisional Magistrate, as the case may be, under sub-section (2) of section 25 may, within thirty days from the date on which such declaration is communicated to him, prefer an appeal in such manner and on payment of such fee as may be prescribed,—

(a) to the State Government, if the declaration is made by the Director, or

(b) to the District Magistrate, if the declaration is made by the Sub-Divisional Magistrate:

Provided that the State Government or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if the State Government or the District Magistrate is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government or the District Magistrate, as the case may be, shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible and the decision of the State Government or the District Magistrate thereon shall be final.

82. *Appeal against orders of the Director or the District Magistrate or the Sub-divisional Magistrate under section 28.*—(1) Any person aggrieved by an order passed by the Director or the District Magistrate or the Sub-divisional Magistrate under section 28 may, within thirty days from the date on which the order is communicated to him, appeal in such manner and on payment of such fee as may be prescribed,—

(a) to the State Government, if the order is passed by the Director, or

(b) to the Commissioner of the Division, if the order is passed by the District Magistrate, or

(c) to the District Magistrate, if the order is passed by the Sub-divisional Magistrate ;

Provided that the State Government or the Commissioner of the Division or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if the State Government or the Commissioner of the Division or the District Magistrate is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government or the Commissioner of the Division or the District Magistrate, as the case may be, shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible and the decision of the State Government or the Commissioner of the Division or the District Magistrate thereon shall be final.

33. *Members and employees of market committee to be public servant.*—Every member, including the President and the Secretary, and every officer or other employee, of a market committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

34. *Power of State Government to take over management of market.*—(1) If in Calcutta, the Director, or in any other place, the District Magistrate, has reason to believe that the proprietor of any market has wilfully neglected to comply with the terms and conditions of the licence granted to him, in respect of such market or has persistently made default in the performance of the duties imposed upon him by or under

this Act, the Director or, as the case may be, the District Magistrate may make a report to the State Government recommending that action be taken against such proprietor under this section.

(2) If after considering the report made under sub-section (1) and after giving the proprietor of the market an opportunity of being heard, the State Government is of opinion that it is necessary so to do in the public interest or for the purpose of securing the proper management of the market, the State Government may, by notification in the Official Gazette, take over the management of such market for such period, not exceeding ten years, as may be specified in such notification.

(3) On and from the date of a notification issued under sub-section (2) taking over the management of a market, and until the expiry of the period specified in such notification, the proprietor of the market shall be divested of the management of the market and he shall not realise any rent in respect of any land, stall, shed, or other structure in the market.

(4) When the State Government takes over the management of a market, it shall, by an order made in this behalf, appoint the market committee having jurisdiction over the area in which the market is situated to conduct the management of the market, in such manner as may be prescribed, under the direction and control, in Calcutta, of the Director and, in any other place, of the District Magistrate.

(5) The market committee shall realise all rents realisable by the proprietor of the market in respect of lands, stalls, sheds or other structures in the market and credit them to an account which shall be kept and audited in the prescribed manner.

(6) All expenses incurred by the market committee in connection with the management of the market, including the expenses of maintenance, repair and improvement of the buildings or structures in the market or the performance on behalf of the proprietor of any of the duties referred to in section 8, shall be paid out of the income derived from the rents realised from the market and the balance of such income if any, shall be payable by the market committee to the proprietor of the market in such manner and at such intervals as may be prescribed.

(7) Any dispute as to the amount payable under sub-section (6) to the proprietor of the market shall be referred to the State Government, whose decision thereon shall be final.

(8) Immediately on the expiry of the period specified in a notification under sub-section (2), the market committee shall, in the prescribed manner, make over the management of the market to its proprietor.

35. *Power to exempt.*—The State Government may, by notification in the Official Gazette, exempt, for reasons to be stated therein, any market established or managed by a market committee from all or any of the provisions of this Act or the rules made thereunder.

36. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie in any court against any officer or any member (including the President and the Secretary) or employee, of a market committee or any other person authorised by or under this Act to carry out any of the purposes of this Act, for anything done or intended to be done in good faith under this Act or any rule made thereunder.

37. *Certain orders not to be called in question in court.*—No order under this Act or the rules made thereunder fixing or varying the licence fees or other charges or the rates of such fees or charges shall be called in question in any court.

38. *Penalties.*—(1) If any person contravenes the provisions of section 9 or section 22, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any person fails to comply with a requisition made under section 24, he shall be punishable with fine which may extend to one hundred rupees.

(3) If any person contravenes the provisions of section 26, he shall be punishable with fine which may extend to one hundred rupees.

(4) If any person contravenes the provisions of section 27, he shall be punishable with fine which may extend to two hundred rupees.

39. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette make after previous publication, rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the authority by which, the form in which and the terms and conditions subject to which, licences may be issued under section 3;

(b) the form and the particulars to be contained in an application under section 4 and the fee by which such application shall be accompanied;

(c) the manner of making an application under section 5 for renewal of licence;

(d) the terms and conditions on which an interim licence may be issued under the proviso to section 7;

(e) the term of office of a member of a market committee and the terms and conditions on which such office may be held;

(f) the officers and other employees that may be employed by a market committee and the pay, allowances and other terms and conditions of service of such officers and other employees;

(g) the manner of administering the Market Committee Fund referred to in sub-section (1) of section 21 and of maintaining accounts thereof;

(h) the market information referred to in clause (g) of sub-section (1) of section 18 and the manner of publishing and disseminating such market information and other instructions of the Director under that clause;

(i) the nature of the disputes that may be settled under clause (h) of sub-section (1) of section 18 and the manner of settling such disputes;

(j) the constitution of sub-committee or sub-committees of a market committee under sub-section (2) of section 18;

(k) the manner in which the surplus remaining in the Market Committee Fund referred to in sub-section (1) of section 21 shall be invested and the manner in which the accounts of that Fund shall be kept and audited;

(l) the form in which the period for which the maximum rates of fee on payment of which and the terms and conditions subject to which licences may be issued under sub-section (3) of section 22 and the manner of showing cause against cancellation or suspension of any such licence;

(m) the inquiries which may be made under sub-section (2), and the other manner in which a declaration may be published under sub-section (3), of section 23;

(n) the trade allowance referred to in section 27 which may be received or given under that section;

(o) the authority to which, the manner in which and the fee on payment of which, an appeal may be preferred under section 30;

(p) the manner in which and the fee on payment of which an appeal may be preferred under section 31 or section 32;

(q) any other matter which has to be or may be prescribed.

40. *Act to override the provisions of other laws, etc.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract, express or implied, or in any instrument and notwithstanding any custom or usage to the contrary

41. *Repeal.*—If in any area in which this Act is brought into force, there is any provision of any other law which corresponds to any provisions of this Act, such corresponding provision of such other law shall stand repealed in such area.

The West Bengal separation of Judicial and Executive functions Act, 1970

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette*, Ext., Part III No. 130, dated February 24, 1970/Phalgun 5, 1891.

West Bengal Act VIII of 1970

Passed by the West Bengal Legislature.

Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 24th February, 1970.

An Act to re-enact, with modification, the provisions of the West Bengal Separation of Judicial and Executive Functions Act, 1968.

Whereas the West Bengal Separation of Judicial and Executive Functions Act, 1968 (Presidents Act 8 of 1968) providing for the separation of the Judiciary from the Executive in the public services in the State of West Bengal was enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal ;

And whereas it is expedient to re enact, with modification, the provisions of the said West Bengal Separation of Judicial and Executive Functions Act, 1968 ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the West Bengal Separation of Judicial and Executive Functions Act, 1970.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once in the Presidency-town of Calcutta and the districts of Hooghly, Bankura, Purulia, Cooch Behar and Murshidabad, and shall come into force in the remaining districts of West Bengal on such date as the State Government may, by notification in the Official Gazette, appoint ;

Provided that different dates may be appointed for different districts and any reference to the commencement of this Act in relation to a district shall mean the date on which it comes into force in that district.

2. *Amendments to the Code of Criminal Procedure, 1898.*—The Code of Criminal Procedure 1898, (Act 5 of 1898) shall, in its application to West Bengal, be amended in the manner and to the extent specified in the Schedule.

3. *Functions exercisable by Judicial and Executive Magistrates.*—Notwithstanding anything to the contrary contained in any other law for the time being in force but subject to the other provisions of this

Act and the Code of Criminal Procedure, 1898, as amended by this Act, where under any law the functions exercisable by a Magistrate relate to inquiry into, or cognizance, investigation or trial of, an offence, such functions shall be exercisable by a Judicial Magistrate, and where such functions relate to matters which are administrative or executive in nature, they shall be exercisable by an Executive Magistrate :

Provided that any reference to a Magistrate in the Code of Criminal Procedure, 1898, as amended by this Act, which by express provision or necessary implication does not refer to a Judicial Magistrate or an Executive Magistrate, shall be construed as a reference to a Magistrate of either class.

4. *Savings*.—(1) Save as provided in this section, nothing in this Act shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done before the commencement of this Act ;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such commencement ;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such commencement ;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the Code of Criminal Procedure, 1898, as amended by this Act.

(2) All legal proceedings pending before a Magistrate or Court at the commencement of this Act shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under the provisions of the Code of Criminal Procedure, 1898, as amended by this Act, stand on such commencement transferred to the Magistrate or Court having jurisdiction under the provisions of the said Code, as amended by this Act, and shall be heard and disposed of by such Magistrate or Court and such Magistrate or Court shall have all the powers and jurisdiction in respect thereof as if they had been originally instituted before such Magistrate or in such Court, including the power of the succeeding Magistrate under section 350 of the said Code.

(3) The provisions of this Act which amend the Code of Criminal Procedure, 1898, (Act 5 of 1898) so as to alter the manner in which, the authority by which or the law under or in accordance with which any powers are exercisable shall not render invalid any notification, bye-law, rule, regulation, order, commitment of attachment duly made or issued or anything duly done before the commencement of this Act, and any such notification, bye-law, rule, regulation, order, commitment or attachment or thing, may be revoked, varied, rectified or reversed in the like manner, to the like extent and in the like circumstances, as if it had been duly made, issued or done after such commencement by the competent authority and in accordance with the provisions then applicable to such case.

(4) Where, before the commencement of this Act, any power was exercisable under the Code of Criminal Procedure, 1898, by any Magistrate to make any alteration in any order made in a proceeding thereunder and the jurisdiction in respect of such proceeding comes to be vested, after such commencement, in a Judicial Magistrate, such

power shall, after such commencement, be exercised by such Magistrate in accordance with the provisions of the Code of Criminal Procedure, 1898, as amended by this Act.

5. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government, in consultation with the High Court, may, by order, do anything (including the specification of a Magistrate, whether Judicial or Executive, as the appropriate Magistrate having jurisdiction in the matter concerned under any law) not inconsistent with such provisions for the purpose of removing the difficulty.

THE SCHEDULE

(See section 2.)

Amendments to the Code of Criminal Procedure, 1898 (Act 5 of 1898)

1. In clause (h) of sub-section (1) of section 4, for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted.

2. In sub section (2) of section 5, for the words "but subject to any enactment", the words "but save as otherwise provided by this Code, subject to any enactment" shall be substituted.

3. For section 6, the following section shall be substituted, namely :—

6. "*Classes of Criminal Courts and Magistrates.*—(1) Besides the High Court and the Courts constituted under any law other than this Code, for the time being in force, there shall be two classes of Criminal Courts in the State namely :—

I. Courts of Session ;

II. Courts of Magistrates.

(2) There shall be the following classes of Magistrates, namely :—

I. Judicial Magistrates—

(a) Sub-divisional Judicial Magistrates ;

(b) Judicial Magistrates of the first class ;

(c) Judicial Magistrates of the second class ;

(d) Executive Magistrates of the second class ;

(e) Special Judicial Magistrates ;

(f) Presidency Magistrates.

II. Executive Magistrates—

(a) District Magistrates ;

(b) Sub-divisional Executive Magistrates ;

(c) Executive Magistrates of the first class ;

(d) Executive Magistrates of the second class ;

(e) Executive Magistrates of the third class ;

(f) Special Executive Magistrates ;

(g) Special Presidency Magistrates."

4 For section 7, the following section shall be substituted, namely :—

7. "*Sessions divisions and districts.*—(1) The State of West Bengal shall consist of sessions divisions ; and every sessions division shall, for the purposes of this Code, be a district or consist of districts.

(2) The State Government, in consultation with the High Court, may alter the limits or the number of such divisions and districts.

(3) The session divisions and districts existing when the West Bengal Separation of Judicial and Executive Functions Act, 1970, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered."

5. In section 9,—

(1) in sub-section (1), for the words "and appoint", the words "and, in consultation with the High Court, appoint" shall be substituted

(2) in sub-sections (2), (3) and (4), for the words "State Government" wherever they occur, the words "State Government, in consultation with the High Court", shall be substituted.

6. In section 10,—

(1) in sub-section (1), for the words "a Magistrate", the words "an Executive Magistrate" shall be substituted;

(2) in sub-section (2), for the words "any Magistrate", the words "any Executive Magistrate" shall be substituted; and

(3) in sub-section (3), for the words, figures and brackets "sections 192, sub-section (1)", the words, figures and brackets "sections 88, sub-section (6C), 124, 125, 192, sub-section (1)" shall be substituted.

7. For section 12, the following section shall be substituted, namely :—

"12. Subordinate Executive and Judicial Magistrates.—(1) The State Government may appoint as many persons as it thinks fit, besides the District Magistrates to be Executive Magistrates of the first, second or third class in any district outside the presidency-town and the State Government or the District Magistrate, subject to the control of the State Government, may, from time to time, define the local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

(2) The State Government may, in consultation with the High Court appoint as many persons as it thinks fit, from among the members of the Judicial Service of the State to be Judicial Magistrates of the first, second or third class in any district, outside the presidency-town and the State Government in consultation with the High Court or the Sessions Court, subject to the control of the State Government acting in consultation with the High Court, may, from time to time, define the local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

(3) Notwithstanding anything contained in sub-section (1), the State Government may in consultation with the High Court, appoint for such period not exceeding five years from the commencement of the West Bengal Separation of Judicial and Executive Functions Act, 1970 in any district outside the presidency-town as many persons, as it considers necessary, who are or have been members of the West Bengal Civil Service (Executive) or the West Bengal Junior Civil Service, to be Judicial Magistrates in such district, and the State Government in consultation with the High Court or the Sessions Judge, subject to the control of the State Government acting in consultation with the High Court, may define the local areas within which such persons may exercise all or any of the powers with which they may be invested under this Code.

(4) Except as otherwise provided under sub-sections (1), (2) and (3) the jurisdiction and powers of Executive Magistrates and Judicial Magistrates shall extend throughout the district.

(5) Appointment and control of Judicial Magistrates under sub-sections (2) and (3) shall, on the issue of a notification published under article 287 of the Constitution of India, be in accordance with the terms of the said notification."

8. In section 13,—

(a) in the marginal note, for the words "Magistrate", the words "Executive Magistrate" shall be substituted;

(b) in sub-section (1), for the word "Magistrate", the words "Executive Magistrate" shall be substituted; and

(c) for sub-section (3), the following sub-section shall be substituted namely :—

"(3) Such Executive Magistrates shall be called sub-divisional Executive Magistrates."

9. After section 13, the following section shall be inserted, namely :—

"13A. *Appointment of sub-divisional Judicial Magistrates.*—(1) The High Court may place any Judicial Magistrate of the first or second class in charge of a sub-division, and may relieve him of the charge as occasion requires.

(2) Such Judicial Magistrates shall be called Sub-divisional Judicial Magistrates.

(3) The High Court may delegate its powers under this section to the Sessions Judge of the district, subject to such conditions, if any, as it thinks fit."

10. For section 14, the following section shall be substituted, namely :—

"14. *Special Executive and Judicial Magistrates.*—(1) The State Government may confer upon any person who possesses such qualifications as may be specified in this behalf by the State Government by notification in the Official Gazette, all or any of the powers conferred or conferrable by or under this Code on an Executive Magistrate of the first, second or third class for a particular purpose or particular purposes, in any local area, outside the presidency-town.

(2) Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may, by general or special order, direct.

(3) The State Government may delegate, with such limitation as it thinks fit, to any officer under its control the powers conferred by sub-section (1).

(4) The State Government may, in consultation with the High Court, confer upon any person who holds or has held any Judicial post under the Union or a State, or possesses such other qualifications, as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the Official Gazette, all or any of the powers conferred or conferrable by or under this Code, on a Judicial Magistrate of the first, second or third class in regard to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the presidency-town.

(5) Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may, in consultation with the High Court, by general or special order, direct.

(6) No powers shall be conferred upon this section on any police-officer below the grade of Assistant District Superintendent, and no powers shall be conferred on a police-officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before the appropriate Magistrate and for the performance by the officer of any other duties imposed upon him by any law for the time being in force."

11. In section 15,—

(a) in the marginal note, for the words "Benches of Magistrates", the words "Benches of Judicial Magistrates" shall be substituted;

(b) in sub-section (1) —

(i) after the words "State Government" in the two places where they occur, the words "in consultation with the High Court" shall be substituted,

(ii) for the words "or more Magistrates", the words "or more Judicial Magistrates" shall be substituted.

(iii) for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted;

(c) for the words "a Magistrate" in the two places where they occur the words "a Judicial Magistrate" shall be substituted.

12. In section 16, —

(1) for the words "State Government may, or, subject to the control of the State Government, the District Magistrate", the words "High Court with the previous approval of the State Government" shall be substituted;

(2) for the words "Magistrates' Benches", the words "Benches of Judicial Magistrates" shall be substituted;

(3) for the words "Magistrates in Session", the words "Judicial Magistrates in Session" shall be substituted.

13. For section 17, the following sections shall be substituted, namely :—

17. *Subordination of Executive Magistrates.*—(1) All Executive Magistrates appointed under sections 12, 13 and 14 shall be subordinate to the District Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business amongst such Magistrates.

(2) Every Executive Magistrate in a sub-division shall be subordinate to the Sub-divisional Executive Magistrate, subject, however, to the general control of the District Magistrate.

17A. *Subordination of Judicial Magistrates and Benches.*—(1) All Judicial Magistrates appointed under sections 12, 13A and 14 and all Benches constituted under section 15, shall, subject to the control of the Sessions Judge, be subordinate to the Sub-divisional Judicial Magistrate and the Sub-divisional Judicial Magistrate may from time to time distribute the business amongst such Judicial Magistrates and Benches consistently with this Code and the rules framed by the High Court.

(2) The Sub-divisional Judicial Magistrate shall be subordinate to the Sessions Judge.

(3) Notwithstanding anything contained in sub-section (1), the Sessions Judge may, if for any reason he thinks fit so to do, distribute the business referred to in that sub-section amongst the Judicial Magistrates and Benches within the sessions division consistently with this Code and the rules framed by the High Court.

17B. *Subordination of Assistant Sessions Judge to the Sessions Judge.*—(1) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they may exercise jurisdiction and the Sessions Judge may from time to time distribute the business amongst such Assistant Sessions Judges consistently with this Code and the rules framed by the High Court.

(2) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting; make provisions for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Sessions Judge, by the Sub-divisional

Judicial Magistrate, and any such Judge or Magistrate shall have jurisdiction to deal with any such application.

17C. *Delegation of powers by High Court.*—The High Court, and subject to its control the Sessions Judge, may authorize an Additional Sessions Judge to perform within its jurisdiction all or any of the powers of supervision and control over the Judicial Magistrates.

17D. *Inferior Criminal Courts*—Courts of Sessions and Courts of Magistrates shall be Criminal Courts inferior to the High Court and Courts of Magistrates (excluding Courts of Presidency Magistrates) shall be Criminal Courts inferior to the Court of Session.”

14. For section 18, the following section shall be substituted, namely:—

“18. *Appointment of Presidency Magistrate.*—(1) Subject to the provisions of sub-sections (4) and (5), the State Government in consultation with the High Court,—

(a) shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be the Magistrates for the presidency-town of Calcutta and shall appoint one of such persons to be the Chief Presidency Magistrate for such town;

(b) may also appoint one of such Presidency Magistrates to be an Additional Chief Presidency Magistrate and such Additional Chief Presidency Magistrate shall have all or any of the powers of the Chief Presidency Magistrate under this Code or under any other law for the time being in force, as the State Government, in consultation with the High Court, may direct.

(2) The powers of a Presidency Magistrate under this Code shall be exercised by the Chief Presidency Magistrate or by any Presidency Magistrate or by any Bench of Presidency Magistrates.

(3) A Presidency Magistrate may be appointed under this section for such term as the State Government in consultation with the High Court, may, by general or special order, direct.

(4) The Chief Presidency Magistrate and the Additional Chief Presidency Magistrate shall be appointed from among the members of the West Bengal Higher Judicial Service.

(5) The other Presidency Magistrates shall be appointed from among the members of the West Bengal Civil Service (Judicial):

Provided that as many Presidency Magistrates, as may be considered necessary, may also be appointed from among the members of the West Bengal Civil Service (Executive) or West Bengal Junior Civil Service for such period not exceeding five years from the commencement of the West Bengal Separation of Judicial and Executive Functions Act, 1970, in the presidency-town of Calcutta, as the State Government; in consultation with the High Court, may think fit.

(6) Appointment and control of Presidency Magistrates under sub-section (5) shall, on the issue of a notification published under article 237 of the Constitution of India, be in accordance with the terms of the said notification.”

15. After section 18, the following section shall be inserted, namely:—

“18A. *Special Presidency Magistrate.*—The State Government may also appoint, for such term as it may, by special or general order, direct, any person as a Presidency Magistrate for the performance of all or any of the functions of a Presidency Magistrate excepting those relating to

inquiry into, or cognizance, investigation or trial of any offence. Such Presidency Magistrates shall be called Special Presidency Magistrates."

16. In section 21,—

(1) in sub-section (i),—

(a) for the words "with the previous sanction of the State Government", the words "with the previous approval of the High Court" shall be substituted;

(b) in clause (e), for the words "could be dealt with by a District Magistrate", the words "requires to be dealt with by him" shall be substituted;

(2) in sub-section (2), after the word "declare", the words ", in consultation with the High Court," shall be inserted.

17. In clause (a) of sub-section (1) of section 22B, for the words "nearest Magistrate", the words "nearest Magistrate having jurisdiction" shall be substituted.

18. To sub-section (1) of section 29, the following proviso shall be added, namely:—

"Provided that if the Court so mentioned is a Court specified in column 1 of the Table below such offence shall be tried by the Court of Judicial Magistrate specified against it in column 2 thereof.

The Table

Name of Court specified in the law. (1)	Court by which triable. (2)
1. District Magistrate.	1. Sub-divisional Judicial Magistrate.
2. Magistrate of the first class.	2. Judicial Magistrate of the first class.
3. Sub-divisional Magistrate.	3. Sub-divisional Judicial Magistrate.
4. Magistrate of the second class.	4. Judicial Magistrate of the second class.
5. Magistrate of the third class.	5. Judicial Magistrate of the third class.
6. Magistrate.	6. Judicial Magistrate."

19. In section 29B,—

(a) for the words "a District Magistrate or a Chief Presidency Magistrate, or by any Magistrate specially empowered by the State Government", the words "a Sub-divisional Judicial Magistrate or a Chief Presidency Magistrate, or any other Judicial Magistrate specially empowered by the State Government in consultation with the High Court" shall be substituted;

(b) for the words "exercise all or any of the powers conferred thereby", the words "try such persons" shall be substituted.

20. For section 30, the following section shall be substituted, namely:—

"30. *Offences punishable with imprisonment not exceeding seven years.*—Notwithstanding anything contained in section 28 or section 29, the State Government may, in consultation with the High Court, vest any Judicial Magistrate of the first class with power to try as a Magistrate all offences not punishable with death or with imprisonment for life or with imprisonment for a term exceeding seven years:

Provided that no such Judicial Magistrate shall be invested with such powers unless he has, for not less than ten years, exercised powers not inferior to those of a Judicial Magistrate of the first class:

Provided further that if any Judicial Magistrate of the first class has, prior to his appointment as such Magistrate, exercised the powers of an Assistant Sessions Judge he may be invested with the powers under this section notwithstanding that he has not exercised the powers of a Judicial Magistrate of the first class for ten years."

21. In section 32,

(a) in the marginal note, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted ;

(b) in sub-section (1),—

(i) for the words "Magistrates of the first class", the words "Judicial Magistrates of the first class" shall be substituted ;

(ii) in clause (b), for the words "Magistrates of the second class", the words "Judicial Magistrates of the second class" shall be substituted ;

(iii) in clause (c), for the words "Magistrates of the third class", the words "Judicial Magistrates of the third class" shall be substituted.

22. In section 33,—

(1) in the marginal note, for the word "Magistrates", the words "Judicial Magistrates" shall be substituted ;

(2) in sub-section (1), for the words "any Magistrate", the words "any Judicial Magistrate" shall be substituted.

23. In section 34,—

(1) in the marginal note, for the words "District Magistrates", the words "Judicial Magistrates" shall be substituted ;

(2) for the words "Court of a Magistrate", the words "Court of a Judicial Magistrate" shall be substituted.

24. In clause (b) of the proviso to sub-section (2) of section 35, for the words "a Magistrate", in the two places where they occur, the words "a Judicial Magistrate" shall be substituted.

25. For section 36, the following section shall be substituted, namely :—

"36 Ordinary powers of Magistrates.—All District Magistrates, Sub-divisional Executive Magistrates and Executive Magistrates of the first, second and third class and all Sub-divisional Judicial Magistrates and Judicial Magistrates of the first, second and third class have powers hereinafter respectively conferred upon them and specified in the Third Schedule. Such powers are called their 'ordinary powers'."

26. For section 37, the following section shall be substituted, namely :

"37. Additional powers conferrable on Judicial and Executive Magistrates—In addition to his ordinary powers,—

(a) any Judicial Magistrate may be invested by the State Government, in consultation with the High Court, with any of the powers specified in Part IA of the Fourth Schedule as powers with which he may be invested by the State Government in consultation with the High Court ;

(b) any Judicial Magistrate may be invested by the Sessions Judge to whom he is subordinate with any powers specified in Part IB of the Fourth Schedule as powers with which he may be invested by the Sessions Judge ;

(c) any Executive Magistrate may be invested by the State Government with any of the powers specified in Part IIA of the Fourth Schedule

as powers with which he may be invested by the State Government ;

(d) any Executive Magistrate may be invested by the District Magistrate to whom he is subordinate with any of the powers specified in Part IIB of the Fourth Schedule as powers with which he may be invested by the District Magistrate."

27. For section 38, the following section shall be substituted, namely :—

"38. Control of the investing powers of the Sessions Judge and the District Magistrate.—The power conferred on the Sessions Judge by clause (b) of section 37 shall be exercised subject to the control of the High Court and the power conferred on the District Magistrate by clause (d) of that section shall be exercised subject to the control of the State Government."

28 After section 38, the following section shall be inserted, namely :—

"38A. Judicial powers to be conferred in consultation with the High Court.—When ever under any provisions of this Code or any other law for the time being in force, any judicial powers are to be conferred by the State Government on a Sessions Judge or an Additional or Assistant Sessions Judge or a Sub-divisional Judicial Magistrate or any other Judicial Magistrate, or any such Judicial Magistrate is to be specially empowered to exercise such powers, the order conferring such powers or empowering the exercise of such powers shall be made by the State Government in consultation with the High Court notwithstanding that such provision may not expressly so provide.

Explanation.—For the purposes of this section, the question whether any powers are judicial shall be decided by the State Government in consultation with the High Court and such decision shall be final."

29. In section 40, for the words "State Government otherwise direct", the words "State Government, in consultation with the High Court, where necessary, otherwise directs" shall be substituted.

30. In section 41,—

(1) after the words "State Government", the words "or, where the conferment of power was in consultation with the High Court, the State Government, in consultation with the High Court" shall be inserted;

(2) for sub-section (2), the following sub-section shall be substituted namely :—

"(2) Any powers conferred by the Sessions Judge or the District Magistrate may be withdrawn by the Sessions Judge or the District Magistrate, as the case may be."

31. In section 57,—

(1) in sub-section (2), for the word "Magistrate", the words "Judicial Magistrate" shall be substituted;

(2) in sub-section (3), for the words "Magistrate", the words "Judicial Magistrate" shall be substituted.

32. In section 62, for the words "to the District Magistrate or, if he so directs, to the Sub-divisional Magistrate", the words "to the Sub-divisional Executive Magistrate and the Sub-divisional Judicial Magistrate" shall be substituted.

33. In section 63, after the words "of a Magistrate", the words "having jurisdiction" shall be inserted.

34. In sub-section (1) of section 78, for the words "or Sub-divisional Magistrate", the words "Sub-divisional Executive Magistrate or Sub-divisional Judicial Magistrate" shall be substituted.

35. In section 88,—

(1) in sub-section (2),—

(a) after the words "District Magistrate", the words "Sub-divisional Judicial Magistrate" shall be inserted;

(b) for the words "within whose district", the words "within whose jurisdiction" shall be substituted;

(2) in sub-section (6B), after the words "District Magistrate", the words "Sub-divisional Judicial Magistrate", shall be inserted;

(3) for the proviso to sub-section (6C), the following proviso shall be substituted, namely :—

"Provided that if it is preferred or made in the Court of a District Magistrate or a Sub-divisional Judicial Magistrate or the Chief Presidency Magistrate, such District Magistrate, Sub-divisional Judicial Magistrate or Chief Presidency Magistrate may make it over for disposal to any Magistrate subordinate to him and such Magistrate shall have all the powers and jurisdiction in respect of such claim or objection as if the order of attachment had been issued by such Magistrate and the claim or objection had been originally preferred or made before him."

36. In section 95, after the words "District Magistrate", in the two places where they occur, the words "Sub-divisional Judicial Magistrate" shall be inserted.

37. In sub-section (2) of section 96, after the words "District Magistrate", to words "Sub-divisional Judicial Magistrate" shall be inserted.

38. In sub-section (1) of section 98,—

(1) in the first paragraph, for the words "Sub-divisional Magistrate, presidency Magistrate or", the words "Sub-divisional Judicial Magistrate, Presidency Magistrate, Sub-divisional Executive Magistrate or Judicial or Executive" shall be substituted;

(2) in the fourth paragraph, for the words "Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate, Sub-divisional Executive Magistrate" shall be substituted.

39. In section 100, for the words "Magistrate of the first class or Sub-divisional Magistrate", the words "Sub-divisional Executive Magistrate, Executive Magistrate of the first class, Sub-divisional Judicial Magistrate or Judicial Magistrate of the first class" shall be substituted.

40. In sub-section (1) of section 106, for the words "a District Magistrate, a Sub-divisional Magistrate or Magistrate of the first Class", the words "a Sub-divisional Judicial Magistrate or a Judicial Magistrate of the first class" shall be substituted.

41. In section 107,—

(1) in sub-section (1), for the words "Sub-divisional Magistrate or Magistrate of the first class", the words "Sub-divisional Executive Magistrate or Executive Magistrate of the first class" shall be substituted;

(2) in sub-section (3), for the words "any Magistrate", the words "any Executive Magistrate" shall be substituted.

42. In section 108, for the words "Magistrate of the first class", the words "Executive Magistrate of the first class" shall be substituted.

43. In section 109, for the words "Sub-divisional Magistrate or Magistrate of the first class", the words "Sub-divisional Executive Magistrate or Executive Magistrate of the first class" shall be substituted.

44. In section 110, for the words "Sub-divisional Magistrate or

a Magistrate of the first class", the words "Sub-divisional Executive Magistrate or an Executive Magistrate of the first class" shall be substituted.

45. For section 126, the following section shall be substituted, namely:—

"126. *Discharge of sureties.*—(1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to the Court by which an order was made to give security to cancel any bond executed under this Chapter within the local limits of its jurisdiction.

(2) On such application being made, the Court shall issue summons or warrant, as it may think fit requiring the person, for whom such surety is bound, to appear or to be brought before it."

46. In sub-section (1) of section 127, for the words "Any Magistrate", the words "Any Executive Magistrate, Presidency Magistrate" shall be substituted.

47. In section 128, for the words "any Magistrate", the words "any Executive Magistrate, Presidency Magistrate" shall be substituted.

48. In section 129, for the words "Magistrate of the highest rank", the words "Executive Magistrate of the highest rank or the Presidency Magistrate" shall be substituted.

49. In section 131,—

(a) for the words "no Magistrate", the words "no Executive Magistrate or Presidency Magistrate" shall be substituted;

(b) for the words "with a Magistrate" the words "with any such Magistrate" shall be substituted.

50. In sub-section (1) of section 133,—

(1) in the first paragraph, for the words "a Sub-divisional Magistrate or a Magistrate of the first class", the words "a Sub-divisional Executive Magistrate or an Executive Magistrate of the first class" shall be substituted;

(2) in the last paragraph, for the words "some other Magistrate" the words "some other Executive Magistrate" shall be substituted.

51. In section 143, for the words "Sub-divisional Magistrate, or any other Magistrate", the words "Sub-divisional Executive Magistrate or any other Executive Magistrate" shall be substituted.

52. In sub-section (1) of section 144, for the words "Sub-divisional Magistrate, or of any other Magistrate", the words "Sub-divisional Executive Magistrate, or of any Presidency Magistrate or Executive Magistrate" shall be substituted,

53. In sub-section (1) of section 145, for the words "Sub-divisional Magistrate or Magistrate of the first class", the words "Sub-divisional Executive Magistrate or Executive Magistrate of the first class" shall be substituted.

54. In sub-section (1) of section 147, for the words "Sub-divisional Magistrate or Magistrate of the first class", the words "Sub-divisional Executive Magistrate or Executive Magistrate of the first class" shall be substituted.

55. In sub-section (1) of section 148, for the words "Sub-divisional Magistrate", the words "Sub-divisional Executive Magistrate" shall be substituted.

56. In section 155,—

(1) in sub-section (1), for the words "the Magistrate", the words "the judicial Magistrate having power to try or inquire into the offence" shall be substituted;

(2) in sub-section (2), for the words "a Magistrate", the words "a judicial Magistrate" shall be substituted.

57. In sub-section (1) of section 164,—

(1) for the words "Magistrate of the first class", the words "Judicial Magistrate of the first class" shall be substituted;

(2) for the words "Magistrate of the second class", the words "Judicial Magistrate of the second class", shall be substituted.

58. In sub-section (5) of section 165, for the words "nearest Magistrate", the words "nearest Judicial Magistrate" shall be substituted.

59. In sub-section (4) of section 166, for the words "nearest Magistrate", the words "nearest Judicial Magistrate" shall be substituted.

60. In section 167,—

(1) in sub-section (1), for the words "nearest Magistrate", the words "nearest Judicial Magistrate" shall be substituted;

(2) in the proviso to sub-section (2), for the words "no Magistrate of the third class and no Magistrate of the second class", the words "no Judicial Magistrate of the third class, and no Judicial Magistrate of the second class" shall be substituted;

(3) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Any Magistrate giving such order shall forward a copy of his order, with his reasons for making it to the Sessions Judge".

61. In sub-section (3) of section 170, for the words "District Magistrate or Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted.

62. In section 174,—

(1) in sub-sections (1) and (2), for the words "Sub-divisional Magistrate", the words "Sub-divisional Executive Magistrate" shall be substituted;

(2) in sub-section (5), for the words "Sub-divisional Magistrate or Magistrate of the first class, and any Magistrate", the words "Sub-divisional Executive Magistrate or Executive Magistrate of the first class and any other Executive Magistrate" shall be substituted.

63. In sub-section (1) of section 186, for the words "a District Magistrate, a Sub-divisional Magistrate, or, if he is specially empowered in this behalf by the State Government, a Magistrate of the first class", the words "Sub-divisional Judicial Magistrate, or, if he is specially empowered in this behalf by the State Government in consultation with the High Court, a Judicial Magistrate of the first class" shall be substituted.

64. In sub-section (1) of section 187, for the words "District Magistrate, such Magistrate shall send the person arrested to the District or Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate such Magistrate shall send the person arrested to the Sub-divisional Judicial Magistrate" shall be substituted.

65. In section 190,—

(1) in sub-section (1), for the words "District Magistrate or Sub-divisional Magistrate, and any other", the words "Sub-divisional Judicial Magistrate, and any other Judicial" shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Any District Magistrate or Sub-divisional Executive Magistrate or any other Executive Magistrate of the first or second class specially empowered in this behalf by the State Government may take cognizance of any offence upon information received from any person other than a police officer, or upon his own knowledge or suspicion, that such offence has been committed.”;

(3) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) The State Government, in consultation with the High Court, or the Sessions Judge subject to the general or special orders of the State Government in consultation with the High Court, may empower any Judicial Magistrate to take cognizance under sub-section (1), clause (a) or clause (b), of offences for which he may try or commit for trial.”; and

(4) in sub-section (3), for the words “State Government may empower any”, the words “State Government, in consultation with the High Court, may empower any Judicial” shall be substituted.

66. Section 191 shall be re-numbered as sub-section (1) thereof and,—

(1) in sub-section (1) as so re-numbered, for the word “Magistrate”, wherever it occurs, the words “Judicial Magistrate” shall be substituted; and

(2) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

“(2) When an Executive Magistrate takes cognizance of an offence under sub-section (1A) of section 190, he shall transfer the case to a Judicial Magistrate having jurisdiction to try the same and shall send the accused to such Magistrate, or may, subject to the provisions of this Code, release him on bail on taking from him a bond with or without sureties for his appearance before such Magistrate.”.

67. In section 192,—

(1) in sub-section (1), for the words “or Sub-divisional Magistrate”, the words “Sub-divisional Executive Magistrate or Sub-divisional Judicial Magistrate” shall be substituted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Any District Magistrate may empower any Executive Magistrate of the first class who has taken cognizance of any case to transfer the same for inquiry to any other specified Executive Magistrate within the district who is competent under this Code to hold such inquiry.”; and

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Any Chief Presidency Magistrate or Sessions Judge may empower a Presidency Magistrate or any Judicial Magistrate of the first class, as the case may be, subordinate to him who has taken cognizance of any case to transfer the same to any other Presidency Magistrate or Judicial Magistrate, as the case may be, who is competent under this Code to try the accused or commit him for trial, and such Presidency Magistrate or Judicial Magistrate may dispose of the case accordingly.”.

68. In section 193,—

(1) In sub-section (1), for the word "Magistrate", the words "Judicial Magistrate" shall be substituted; and

(2) in sub section (2), after the words "State Government", the words "in consultation with the High Court," shall be inserted.

69. In section 200, for the words "A Magistrate", the words "A Judicial Magistrate" shall be substituted.

70. In sub-section (1) of section 202, for the words "Any Magistrate", the words "Any Judicial Magistrate" shall be substituted.

71. In sub section (1) of section 204, for the words "a Magistrate taking cognizance of an offence", the words, figures and brackets "a Judicial Magistrate taking cognizance of an offence, or of a Judicial Magistrate to whom a case has been transferred under sub-section (2) of section 191" shall be substituted.

72. In section 206, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Any Presidency Magistrate, Sub-divisional Judicial Magistrate or Judicial Magistrate of the first class or any Judicial Magistrate not being a Judicial Magistrate of the third class, empowered in this behalf by the State Government, in consultation with the High Court, may commit any person for trial to the Court of Session or High Court for any offence triable by such Court."

73. In section 249, for the words "a Magistrate of the first class, or with the previous sanction of the District Magistrate, any other Magistrate", the words "a Judicial Magistrate of the first class, or with the previous sanction of the Sessions Judge, any other Judicial Magistrate" shall be substituted.

74. In section 260,—

(1) in sub-section (1), for clauses (a), (b) and (c), the following clauses shall be substituted, namely :—

"(a) the Sub-divisional Judicial Magistrate,

(b) any Judicial Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court, and

(c) any Bench of Judicial Magistrates vested with the powers of a Judicial Magistrate of the first class and specially empowered in this behalf by the State Government in consultation with the High Court";

(2) in the proviso to sub-section (1), for the word "Magistrate", the words "Judicial Magistrate" shall be substituted; and

(3) in sub section (2),—

(a) for the word "Magistrate", wherever it occurs, the words "Judicial Magistrate" shall be substituted, and

(b) for the words "Bench", wherever it occurs, the words "Bench of Judicial Magistrates" shall be substituted.

75. In section 261, for the words "State Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class", the words "State Government, in consultation with the High Court, may confer on any Bench of Judicial Magistrates invested with the powers of a Judicial Magistrate of the second or third class" shall be substituted.

76. In section 263,—

(1) for the words "Magistrate or Bench of", the words "Judicial Magistrate or Bench of Judicial" shall be substituted; and

(2) after the words "State Government may" the words "in consultation with the High Court", shall be inserted.

77. In sub-section (2) of section 285, for the words "authorize any Bench of", the words "in consultation with the High Court, authorize

any Bench of Judicial" shall be substituted.

78. In section 269, after the words "State Government", wherever they occur, the words "in consultation with the High Court" shall be inserted.

79. In section 337, in sub-section (1),—

(a) for the words "District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate or any", the words "Sub-divisional Judicial Magistrate, a Presidency Magistrate or any Judicial" shall be substituted

(b) in the proviso,—

(i) for the words "no Magistrate of the first class other than the District Magistrate", the words "no Judicial Magistrate of the first class other than the Sub-divisional Judicial Magistrate" shall be substituted; and

(ii) for the words "of the District Magistrate", the words "of the Sub-divisional Judicial Magistrate" shall be substituted.

80. In section 338, for the words the "District Magistrate" the words "the Sub-divisional Judicial Magistrate" shall be substituted.

81. In section 346,—

(1) in sub-section (1), for the words "the District Magistrate" the words "the Sub-Divisional Judicial Magistrate" shall be substituted;

(2) in sub-sections (1) and (2), for the word "Magistrate", wherever it occurs, the words "Judicial Magistrate" shall be substituted.

82. In section 347, for the words "Magistrate", wherever it occurs the words "Judicial Magistrate" shall be substituted.

83. In sub-section (1) of section 348,—

(1) for the words "if the Magistrate", the words "if the Judicial Magistrate" shall be substituted;

(2) in the proviso, for the words "any Magistrate", the words "any Judicial Magistrate" shall be substituted.

84. In section 349,—

(1) in sub-section (1),—

(a) for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted;

(b) for the words "District Magistrate or Sub-divisional Magistrate" the words "Sub-divisional Judicial Magistrate" shall be substituted.

(2) in sub-section (1A), for the words "District Magistrate or Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted.

85. In section 350A, for the words "Bench of Magistrate", the words "Bench of Judicial Magistrates" shall be substituted.

86. In sub-section (1) of section 355, for the words "Magistrate of the first or second class", the words "Judicial Magistrate of the first or second class" shall be substituted.

87. In section 357, after the words "State Government may" in the two places where they occur, the words "in consultation with the High Court", shall be inserted.

88. In section 373,—

(1) after the words "the District Magistrate", the words "and the Sub-divisional Judicial Magistrate" shall be inserted;

(2) the following proviso shall be added, namely :—

"Provided that in a case tried by the City Sessions Court established for the presidency town of Calcutta, the Court shall forward such copy to the Chief Presidency Magistrate."

89. In section 380, for the words "Magistrate of the first class or a Sub-divisional Magistrate", the words "Judicial Magistrate of the first class or a Sub-divisional Judicial Magistrate" shall be substituted.

90. In section 387, for the words "District Magistrate" the words "Sub-divisional Judicial Magistrate" shall be substituted.

91. In section 406A,—

(1) in clause (b), for the words "the District Magistrate", the words "any other Magistrate" shall be substituted;

(2) clause (c) shall be omitted.

92. In section 408,—

(1) for the words "a District Magistrate or any other Magistrate", the words "or a Judicial Magistrate" shall be substituted;

(2) in the proviso for the words "a Magistrate", in the two places where they occur, the words "a Judicial Magistrate" shall be substituted.

93. In the proviso to sub-section (1) of section 409, for the words "any Magistrate", the words "any Judicial Magistrate" shall be substituted.

94. In section 412, for the words "Magistrate of the first class", the words "Judicial Magistrate of the first class" shall be substituted.

95. In section 413, for the words "District Magistrate or other Magistrate", the words "a Judicial Magistrate" shall be substituted.

96. In section 425, for the words "passed by a Magistrate", the following shall be substituted, namely:—

"passed by a judicial Magistrate other than the Subdivisional Judicial Magistrate, the certificate shall be sent through the Sub-divisional Judicial Magistrate, and if the finding, sentence or order was recorded or passed by an Executive Magistrate".

97. In section 428, for the words "Magistrate", wherever it occurs, the words "Judicial Magistrate" shall be substituted.

98. In section 435,—

(1) in sub-section (1), for the words "District Magistrate, or any Sub-divisional Magistrate empowered by the State Government", the words "any Sub-divisional Judicial Magistrate empowered by the State Government in consultation with the High Court" shall be substituted;

(2) in sub-section (2),—

(a) for the words "Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted; and

(b) for the words "District Magistrate"; the words "Sessions Judge" shall be substituted;

(3) in sub-section (4) for the words "District Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted; and

(4) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Any District Magistrate or any Sub-divisional Executive Magistrate empowered by the State Government in this behalf, may call for and examine the record of any proceeding before any subordinate Executive Magistrate for the purpose of satisfying himself as to the correctness, legality or propriety of any order recorded or passed and as to the regularity of any proceeding before such subordinate Magistrate and may, when calling for such record, direct that the execution of any order be suspended and if the person is in confinement, that he be released on bail or on his own bond pending the examination of the record.

(6) If any Sub-divisional Executive Magistrate, acting under sub-section (5), considers that any such proceeding or order is illegal or improper, he shall forward the record with such remarks thereon as he thinks fit, to the District Magistrate."

99. In section 436,—

(1) for the words "direct the District Magistrate", the words "direct the Sub-divisional Judicial Magistrate" shall be substituted;

(2) the words "and the District Magistrate may himself make, or direct any subordinate Magistrate to make" shall be omitted.

100. In section 437, for the words "District Magistrate", wherever they occur, the words "Sub-divisional Judicial Magistrate" shall be substituted.

101. In sub-section (1) of section 438, the words "or District Magistrate" shall be omitted.

102. After section 438, the following section shall be inserted, namely :—

"438A. "Power of District Magistrate to report to High Court or to decide finally proceedings called for.— On examining under section 435 or otherwise the record of any proceeding,—

(a) where such proceeding is in respect of an order made under section 118, section 122, section 143, section 144 or section 145, the District Magistrate shall, if he is of opinion that the order made in such proceeding should be revised or altered, report for orders of the High Court the result of his examination ; and

(b) where such proceeding is in respect of an order made under any other section, the District Magistrate may exercise in respect of the order made in such proceeding the powers conferred on a Court of appeal by sections 423, 426 and 428."

103. In sub-section (3) of section 439, for the words "a Magistrate", in the two places where they occur, the words "a Judicial Magistrate" shall be substituted.

104. In sub-section (1) of section 476, for the words "Magistrate of the first Class", in the two places where they occur, the words "Judicial Magistrate of the first class" shall be substituted.

105. In section 478, for the words "a Magistrate", wherever they occur, the words "a Judicial Magistrate" shall be substituted.

106. In section 479, for the words "District Magistrate or other Magistrate", the words "Sub-divisional Judicial Magistrate or other Judicial Magistrate" shall be substituted.

107. In sub-section (1) of section 479A, for the words "Magistrate of the first class", in the two places where they occur, the words "Judicial Magistrate of the first class" shall be substituted.

108. In sub-section (1) of section 488, for the words "District Magistrate, a Presidency Magistrate or a Magistrate of the first class", the words "Sub-divisional Judicial Magistrate, a Presidency Magistrate or a Judicial Magistrate of the first class" shall be substituted.

109. In section 490, for the words "any Magistrate", the words "any Judicial Magistrate" shall be substituted.

110. In sub-section (2) of section 492, for the words "Sub-divisional Magistrate", the words "Sub-divisional Executive Magistrate" shall be substituted.

111. For sub-section (1) of section 504, the following sub-section shall be substituted, namely :—

"(1) If the witness is within the territories to which this Code extends the commission shall be directed,—

(a) where it has been issued in the course of an inquiry or other proceeding in respect of any matter which lies, outside the presidency-town of Calcutta within the functions exercisable by Executive Magistrates, to the District Magistrate or Chief Presidency Magistrate, as

the case may be, within the local limits of whose jurisdiction the witness is to be found,

(b) in any other case, to the Sub-divisional Judicial Magistrate or Chief Presidency Magistrate, as the case may be, within the limits of whose jurisdiction the witness is to be found."

112. In section 505, after sub-section (2), the following sub-section shall be added, namely :—

"(3) Where the commission is received by the Sub-divisional Judicial Magistrate, the Sub-divisional Judicial Magistrate or such other Judicial Magistrate subordinate to him as he may appoint in this behalf, may compel the attendance of, and examine, the witness as if he were a witness in a case pending before himself."

113. In sub-section (2) of section 512, for the words "any Magistrate", the words "any Judicial Magistrate" shall be substituted.

114. In sub-section (1) of section 514, for the words "Magistrate of the first class", the words "Judicial or Executive Magistrate of the first class" shall be substituted.

115. In section 514A, for the words "Magistrate of the first class", the words "Judicial or Executive Magistrate of the first class" shall be substituted.

116. In section 515, for the words "or District Magistrate shall be appealable to the District Magistrate", the words "shall be appealable to the Sessions Judge" shall be substituted.

117. In section 518,—

(1) in the marginal note, for the words "District or Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted;

(2) for the words "District Magistrate or to a Sub-divisional Magistrate, the words "Sub-divisional Judicial Magistrate" shall be substituted.

118. In section 524,—

(1) in sub-section (1) for the words "Sub-divisional Magistrate or of a Magistrate of the first class", the words "Sub-divisional Judicial or Executive Magistrate or of a Judicial or Executive Magistrate of the first class" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In the case of an order passed under this section by a Magistrate other than a Presidency Magistrate, an appeal shall lie to the Sessions Judge, and in the case of an order passed under this section by a Presidency Magistrate, an appeal shall lie to the High Court."

119. In section 528,—

(1) in sub-section (2), for the words "or Sub-divisional Magistrate", the words "Sub-divisional Executive Magistrate" or "Sub-divisional Judicial Magistrate", shall be substituted;

(2) in sub-section (4) after the word, figure and brackets "sub-section (2)", the words, figures and brackets "or sub-section (3)" shall be inserted.

120. In section 552, for the words "or District Magistrate", the words "District Magistrate or Sub-divisional Judicial Magistrate, shall be substituted.

121. In sub-section (2) of section 554,—

(1) the words, brackets and figure "not being a High Court to which sub-section (1) applies" shall be omitted;

(2) after clause (d), the following clause shall be inserted, namely:—

"(e) make rules regulating the control and supervision of different classes of Magistrates and the control, supervision and inspection of different classes of Courts:".

122. In sub-section (2) of section 559, for the words "the District Magistrate outside such towns", the words "elsewhere, the District Magistrate in the case of Executive Magistrates and the Sessions Judge in the case of Judicial Magistrates" shall be substituted.

123. In section 561, for the words "District Magistrate", in the two places where they occur, the words "Sub-divisional Judicial Magistrate" shall be substituted.

124. In the proviso to sub-section (1) of section 562,—

(1) for the words "a Magistrate", wherever they occur, the words "a Judicial Magistrate" shall be substituted;

(2) after the words "by the State Government", the words "in consultation with the High Court," shall be inserted; and

(3) for the words "Sub-divisional Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted.

125. In section 565,—

(1) in sub-section (1), for the words "District Magistrate, Sub-divisional Magistrate or Magistrate of the first class", the words "Sub-divisional Judicial Magistrate or Judicial Magistrate of the first class", shall be substituted; and

(2) in sub-section (3), after the words "the State Government may", the words "in consultation with the High Court," shall be inserted.

126. In Schedule II, in column 8,—

(1) for the word "Magistrate", wherever it occurs except in the expression "Presidency Magistrate", the words "Judicial Magistrate", and for the words "Any Magistrate", wherever they occur, the words "Any Judicial Magistrate" shall be substituted;

(2) for the entry against section 124A, the following entry shall be substituted, namely:—

"Court of Session, Chief Presidency Magistrate or Sub-divisional Judicial Magistrate or Judicial Magistrate of the first class specially empowered by the State Government in this behalf in consultation with the High Court.";

(3) in entry relating to section 376, for the words "District Magistrate", the words "Sub-divisional Judicial Magistrate" shall be substituted.

127. For Schedule III, the following Schedule shall be substituted, namely:—

"Schedule III

(See section 36)

Ordinary Powers of State Magistrates

A—JUDICIAL MAGISTRATES

I.—Ordinary Powers of a Judicial Magistrate of the third class.

(1) Power to arrest or direct the arrest of, and commit to custody a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.

(3) Power to endorse a warrant, or to order the removal of any accused person arrested under a warrant, sections 83, 84 and 86.

(4) Power to issue proclamations in cases judicially before him, section 87.

(5) Power to attach and sell property and to dispose of claims to attached property in cases judicially before him, section 88.

(6) Power to restore attached property, section 89.

(7) Power to require search to be made for letters and telegrams, section 95.

(8) Power to issue search-warrant, section 96.

(9) Power to endorse a search-warrant and order delivery of thing found, section 99

(10) Power to order detention (not being detention in the custody of the police) of a person during a police investigation, section 167.

(11) Power to postpone issue of process and inquire into case himself, section 202.

(12) Power to detain an offender found in Court, section 351.

(13) Power to issue commission for examination of witness, section 503.

(14) Power to apply to Sub-divisional Judicial Magistrate to issue commission for examination of witness, section 505(3),

(15) Power to recover forfeited bond for appearance before Magistrate's court, section 514, and to require fresh security, section 514A.

(16) Power to make order as to custody and disposal of property pending inquiry or trial, section 516A.

(17) Power to make order as to disposal of property, section 517.

(18) Power to sell property of a suspected character, section 525.

(19) Power to require affidavit in support of application, section 539A.

(20) Power to make local inspection, section 539B.

II—Ordinary Powers of a Judicial Magistrate of the second class.

(1) The ordinary powers of Judicial a Magistrate of the third class.

(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

(3) Power to postpone issue of process and to inquire into a case or direct investigation, section 202.

III—Ordinary Powers of a Judicial Magistrate of the first class.

(1) The ordinary powers of a Judicial Magistrate of the second class

(2) power to issue search-warrant otherwise than in course of an inquiry section 98.

(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.

(4) Power to require execution of the bond, section 106.

(5) Power to discharge surety, section 126A.

(6) Power to record statement or confession, section 164.

(7) Power to authorize detention of a person in the custody of the police during a police investigation, section 167.

(8) Power to commit for trial, section 206.

(9) Power to stop proceedings when no complaint, section 249.

(10) Power to tender pardon to accomplice during inquiry into case by himself, section 337.

(11) Power to make orders of maintenance, sections 488 and 489.

(12) Power to recover penalty on forfeited bond section 514

- (13) Power to require fresh security, section 514A.
- (14) Power to recall case made over by him to another Magistrate, section 528(4).
- (15) Power to make order as to first offenders, section 562.
- (16) Power to order released convicts to notify residence, section 565.

IV.—Ordinary Powers of a Sub-divisional Judicial Magistrate appointed under section 13A

- (1) The ordinary powers of a Judicial Magistrate of the first class.
- (2) Power to try juvenile offenders, section 29B.
- (3) Power to order police investigation into cognizable cases, section 156.
- (4) Power to receive report of police officer and pass order, section, 173.
- (5) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (6) Power to entertain complaints, section 190(1)(a).
- (7) Power to receive police-reports, section 190(1)(b).
- (8) Power to entertain cases without complaint, section 190(1)(c).
- (9) Power to transfer cases to a Subordinate Magistrate, section 192.
- (10) Power to try summarily, section 260.
- (11) Power to tender pardon to accomplice at any stage of a case, section 337.
- (2) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
- (13) Power to make enquiry, section 436.
- (14) Power to order commitment, section 437.
- (15) Power to sell property alleged or suspected to have been stolen, etc., section 524.
- (16) Power to withdraw cases, and to try or refer to them for trial, section 528.
- (17) Power to compel restoration of abducted females, section 552.

B.—EXECUTIVE MAGISTRATES

I—Ordinary Powers of an Executive Magistrate of the third class.

- (1) Power to arrest or direct to arrest of, and to commit to custody, a person committing an offence in his presence, section 64.
- (2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.
- (3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83,84 and 86.
- (4) Power to issue proclamations in cases judicially before him, section 87.
- (5) power to attach and sell property and to dispose of claims to attached property in cases judicially before him, section 88.
- (6) Power to restore attached property, section 89.
- (7) Power to require search to be made for letters and telegrams, section 95.
- (8) Power to issue search-warrant, section 96.
- (9) Power to endorse a search-warrant and order delivery of thing found, section 99.
- (10) Power to command unlawful assembly to disperse, section 127.
- (11) Power to use civil force to disperse unlawful assembly, section 128.

(12) Power to require military force to be used to disperse unlawful assembly, section 130.

(13) Power to issue commission, section 503.

(14) Power to apply to District Magistrate for examination on commission, section 505(1).

(15) Power to recover forfeited bond for appearance before Magistrate's court, section 514 and to require fresh security, section 514A.

(16) Power to make order as to disposal of property, section 517.

(17) Power to sell property of a suspected character, section 525.

(18) Power to require affidavit in support of application, section 539A.

(19) Power to make local inspection, section 539B.

II.—Ordinary Powers of an Executive Magistrate of the second class.

The ordinary powers of an Executive Magistrate of the third class.

III.—Ordinary Powers of an Executive Magistrate of the first class.

(1) The ordinary powers of an Executive Magistrate of the second class.

(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.

(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.

(4) Power to require security to keep the peace, section 107.

(5) Power to require security for good behaviour, section 109.

(6) Power to discharge sureties, section 128A.

(7) Power to make orders, as to local nuisances, section 133.

(8) Power to make orders, etc., in possession cases, sections 145, 146 and 147.

(9) Power to hold inquest, section 174.

(10) Power to recall case made over by him to another Magistrate, section 528(4).

IV.—Ordinary Powers of Sub-divisional Executive Magistrate appointed under section 13.

(1) The ordinary powers of an Executive Magistrate of the first class.

(2) Power to direct warrants to landholders, section 78.

(3) Power to require security for good behaviour section 110.

(4) Power to make order prohibiting repetitions of nuisances, section 143.

(5) Power to make orders under section 144.

(6) Power to depute Subordinate Magistrate to make local inquiry, section 148.

(7) Power to take cognizance of offences otherwise than on police-reports, section 190(1A).

(8) Power to transfer cases to a Subordinate Magistrate, section 192.

(9) Power to sell property alleged or suspected to have been stolen, etc., section 524.

(10) Power to withdraw cases, section 528.

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Sub-divisional Executive Magistrate.

(2) Power to require security for good behaviour in case of sedition, section 108.

(3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.

- (4) Power to cancel bond for keeping the peace, section 125.
- (5) Power to order preliminary investigation by police-officer not below the rank of Inspector in certain cases, section 196B.
- (6) Power to call for records, section 435.
- (7) Power to report case to High Court, section 438A.
- (8) Power to appoint person to be Public Prosecutor in particular case, section 492(2).
- (9) Power to compel restoration of an abducted female, section 552.

128. For Schedule IV, the following Schedule shall be substituted, namely :—

"SCHEDULE IV

(See sections 37 and 38.)

Additional Powers with which State Magistrates may be invested.

PART IA

Powers with which Judicial Magistrates may be invested by the State Government in consultation with the High Court.

I.—Powers with which a Judicial Magistrate of the first class may be invested.

- (1) Power to try juvenile offenders, section 29B.
- (2) Power to issue process for person within local jurisdiction, who has committed an offence outside the local jurisdiction, section 188.
- (3) Power to take cognizance of offences upon complaint, section 190(1)(a).
- (4) Power to take cognizance of offences upon police reports, section 190(1)(b).
- (5) Power to take cognizance of offences without complaint, section 190(1)(c).
- (6) Power to try summarily, section 260.
- (7) Power to sell properties alleged or suspected to have been stolen, section 524.
- (8) Power to try cases under section 124A of the Indian Penal Code.

II.—Powers with which a Judicial Magistrate of the second class may be invested.

- (1) Power to try juvenile offenders, section 29B.
- (2) Power to record statements and confessions, section 164.
- (3) Power to authorize detention of a person in the custody of the police during police-investigation, section 167.
- (4) Power to take cognizance of offences upon complaint, section 190(1)(a).
- (5) Power to take cognizance of offences upon police-reports, section 190(1)(b).
- (6) Power to take cognizance of offences without complaint, section 190(1)(c).
- (7) Power to commit for trial, section 206.
- (8) Power to make order as to first offences, section 562.

III.—Powers with which a Judicial Magistrate of the third class may be invested.

- (1) Power to try juvenile offenders, section 29B.
- (2) Power to take cognizance of offences upon complaint, section 190(1)(a).
- (3) Power to take cognizance of offences under police-reports, section 190(1)(b).

IV.—Powers with which a Sub-divisional Judicial Magistrate may be invested.

Power to call for records, section 435.

PART IB

Powers with which Judicial Magistrates may be invested by the Sessions Judge.

I.—Powers with which a Judicial Magistrate of the first class may be invested.

(1) Power to take cognizance of offences upon complaint, section 190(1)(a).

(2) Power to take cognizance of offences upon police-reports, section 190(1)(b).

(3) Power to transfer cases, section 192(3).

II.—Powers with which a Judicial Magistrate of the second class may be invested.

(1) Power to take cognizance of offences upon complaint, section 190(1)(a).

(2) Power to take cognizance of offences upon police-reports, section 190(1)(b).

III.—Powers with which a Judicial Magistrate of the third class may be invested.

(1) Power to take cognizance of offences upon complaint, section 190(1)(a).

(2) Power to take cognizance of offences upon police-reports, section 190(1)(b).

PART IIA

Powers with which Executive Magistrates may be invested by the State Government.

I.—Powers with which an Executive Magistrate of the first class may be invested.

(1) Power to require security for good behaviour in case of sedition, section 108.

(2) Power to require security for good behaviour, section 110.

(3) Power to make orders prohibiting repetitions of nuisances, section 143.

(4) Power to make orders under section 144.

(5) Power to take cognizance of offences otherwise than on police-reports section 190(1A).

(5) Power to sell property alleged or suspected to have been stolen etc., section 524.

II.—Powers with which an Executive Magistrate of the second class may be invested.

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to take cognizance of offences otherwise than on police-reports, section 190(1A).

III.—Powers with which an Executive Magistrate of the third class may be invested.

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to hold inquest, section 174.

IV.—Powers with which a Sub-divisional Executive Magistrate may be invested.

Power to call for records, section 435.

PART IIB

Powers with which Executive Magistrates may be invested by the District Magistrate.

I.—Powers with which an Executive Magistrate of the first class may be invested.

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to transfer cases, section 192(3).

II.—Powers with which an Executive Magistrate of the second class may be invested.

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to hold inquest, section 174.

III.—Powers with which an Executive Magistrate of the third class may be invested.

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to hold inquest, section 174."

The Bengal Finance (Sales Tax) (Amendment) Act 1970.

The following Act of the West Bengal Legislature having been assented to by the Governor, was published in the *Calcutta Gazette Ext.*, Part III No. 144, dated February 28, 1970 Phalguna 9, 1891.

West Bengal Act XII of 1970.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette Extraordinary*, of the 28th February, 1970]

An Act to amend the Bengal Finance (Sales Tax) Act, 1941.

Whereas it is expedient to amend the Bengal Finance (Sales Tax) Act, 1941, (Ben. Act VI of 1941) for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. *Short title*.—This Act may be called the Bengal Finance (Sales Tax) (Amendment) Act, 1970.

2. *Amendment of section 5 of Ben. Act VI of 1941*.—In section 5 of the Bengal Finance (Sales Tax) Act, 1941 (hereinafter referred to as the said Act),—

(1) in sub-section (1),—

(i) after clause (a), the following clause shall be inserted, namely:—

("aa) one-half of per centum of such part of his taxable turnover as represents sales to a registered dealer of goods, other than those referred to in section 14 of the Central Sales Tax Act, 1956 (74 of 1956) and those included in Schedule II, of the class or classes specified in the certificate of registration of such dealer as being intended for re-sale by him in West Bengal, and of containers and other materials for the packing of goods of the class or classes so specified;

Provided that the provision of this clause shall not apply to any sale referred to therein unless the dealer selling the goods furnishes in the prescribed manner a declaration containing prescribed particulars in the prescribed form obtainable in such manner and subject to such

conditions and restrictions as may be prescribed from the prescribed authority duly filled up and signed by the registered dealer to whom the goods are sold,";

(ii) in clause (bb), for the words "two per centum", the words "one per centum" shall be substituted;

(iii) after clause (bb), the following clause shall be inserted, namely:—

"(bbb) two per centum of such part of his taxable turnover as represents sales of—

(i) yarn, other than cotton yarn,

(ii) tractors and power tillers to a person which are required by him for use in agriculture and spare parts, accessories and component parts thereof, and

(iii) fertilisers;"

(iv) in clause (e), for the brackets, words and letters "(a) (b), (bb), (c) and (d)", the brackets, word and letters "(a), (aa), (b), (bb), (bbb), (c) and (d)" shall be substituted;

(2) in sub-section (2), in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) sales to a registered dealer of goods referred to in section 14 of the Central Sales Tax Act, 1956 (74 of 1956.) and goods included in Schedule II, specified in the certificate of registration of such dealer as being intended for re-sale by him in West Bengal, and of containers and other materials for the packing of such specified goods;"

3. *Amendment of section 5A*.—In section 5A of the said Act, for the words, brackets, figures and letters "in clause (bb) of sub-section (1), or sub-clause (ii) of clause (a) of sub-section (2)", the words brackets, figures and letters "in clauses (aa) and (bb) of sub-section (1) or sub-clause (ii) of clause (a) of sub-section (2)" shall be substituted.

4. *Amendment of section 5B*.—In section 5B of the said Act, for the words, brackets, figures and letters "clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section" the words, brackets, figures and letters "clauses (aa) and (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section" shall be substituted.

5. *Amendment of section 7*.—In section 7 of the said Act,—

(1) in sub-section (2), for the words, brackets, figures and letters "sub-clauses (i) and (iii) of clause (bb) of sub-section (1), or sub-clause (ii) of clause (a) of sub-section (2)", the words, brackets, figures and letter "clause (aa), sub-clauses (i) and (iii) of clause (bb) of sub-section (1) or sub-clause (ii) of clause (a) of sub-section (2)" shall be substituted;

(2) in sub-section (3), for the words, brackets, figures and letters "sub-clauses (i) and (iii) of clause (bb) of sub-section (1), or sub-clause (ii) of clause (a) of sub-section (2)", the words, brackets, figures and letters "clause (aa), sub-clauses (i) and (iii) of clause (bb) of sub-section (1) or sub-clause (ii) of clause (a) of sub-section (2)" shall be substituted.

6. *Amendment of section 22*.—In section 22 of the said Act, in clause (cc) of sub-section (1), for the words, brackets, letters and figures "clause (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section", the words, brackets, letters and figures "clauses (aa) and (bb) of sub-section (1) of section 5 or in the proviso to clause (a) of sub-section (2) of that section" shall be substituted.

7. *Amendment of section 25.*—In section 25 of the said Act, after clause (g) of sub-section (3), the following clause shall be added, namely :—

“(h) to any person for purposes other than those referred to in clauses (a) to (g), if the State Government consider necessary in the public interest”.

8. *Amendment of section 26*—In section 26 of the said Act, in clause (bb) of sub-section (2), for the words, brackets and letters “in the proviso to clause (bb)”, the words, brackets and letters “in the provisos to clauses (aa) and (bb)” shall be substituted.

9. *Amendment of Schedule I.*—In Schedule I to the said Act,—

(1) in item 13, in column 2, the following entry shall be inserted, namely :—

“except tractors and power tillers and spare parts, accessories and component parts thereof.”;

(2) item 14 and the entry relating thereto in column 1 shall be omitted ;

(3) in item 15,—

(i) for the existing entry in column 1, the following entry shall be substituted, namely :—

“Cotton Yarn.”,

(ii) for the existing entry in column 2, the following entry shall be substituted, namely :—

“Except cotton hosiery yarn.”;

(4) in item 41, for the sub-items (b) and (c) in column 1, the following sub-items shall be substituted, namely :—

“(b) Khaddar or Khadi as defined in the West Bengal Khadi and Village Industries Board Act, 1959, (West Ben. Act XIV of 1959) except those made from silk yarn,

(c) Garments made of Khaddar or Khadi referred to in sub-item (b).”.

10. *Amendment of Schedule II.*—In Schedule II to the said Act, after serial No. 28 and the entry relating thereto, the following serial and entry shall be added, namely :—

“29. Diamond.”.

11. *Repeal and savings.*—(1) The Bengal Finance (Sales Tax) (Amendment) Ordinance, 1969, (West Ben. Ord. XIV of 1969) is hereby repealed

(2) Anything done or any action taken under the said Act, as amended by the Bengal Finance (Sales Tax) (Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 15th day of November, 1969.

The R. G. Kar Medical College and Hospital (Amendment) Act, 1979.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta, Gazette* Ext., Part III, No. 131, dated February 24, 1970/Phalguna 5, 1891.

West Bengal Act IX of 1970

(Passed by the West Bengal Legislature.)

Assent of the President was first published in the *Calcutta Gazette*, Extraordinary of the 24th February 1970.

An Act to re-enact, with modification, the provisions of the R. G. Kar Medical College and Hospital (Amendment) Act, 1968.

Whereas certain amendments were made to the R. G. Kar Medical College and Hospital Act, 1958, (West Bengal Act VIII of 19658) by the R. G. Kar Medical College and Hospital (Amendment) Act, 1968 (President's Act 16 of 1968) enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968 under article 356 of the Constitution of India in relation to the State of West Bengal ;

And whereas it expedient to re-enact, with modification the provisions of the said R. G. Kar Medical College and Hospital (Amendment) Act, 1968 ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*—This Act may be called the R. G. Kar Medical College and Hospital (Amendment) Act, 1970.

2. *Amendment of section 2 of West Ben. Act VIII of 1958*—In section 2 of the R. G. Kar Medical College and Hospital Act, 1958 (hereinafter referred to as the said Act), for clause (2), the following clause shall be substituted, namely :—

“(2) “Committee” means the R. G. Kar Medical College and Hospital Advisory Committee appointed under section 5A;”

3. *Amendment of section 3*—In section 3 of the said Act—

(a) in the opening paragraph, for the words “ten years”, the words “twenty years” shall be substituted ;

(b) in clause (5), the words “in consultation with the Committee” shall be omitted.

4. *Substitution of new section for section 4*—For section 4 of the said Act, the following section shall be substituted, namely :

“*Utilization of properties transferred to the State Government.*—All properties of the institution transferred to the State Government under this Act shall be utilized for the purposes for which they were being utilized immediately before the appointed day by the institution and for such improvements of the institution as may be approved by the State Government :

Provided that if the State Government so directs, any such property may be utilized for any purpose of the institution other than the purpose for which it was being utilized immediately before the appointed day.”

5. *Substitution of new sections for section 5*—For section 5 of the said Act, the following sections shall be substituted, namely :—

“5. *Principal-Superintendent to be in charge of management and administration of the institution.*—The Principal-Superintendent, R. G. Kar Medical College and Hospital, shall be in charge of the management and administration of the institution and he shall, in the discharge of his duties, act in accordance with such directions, if any, as may be issued by the State Government in this behalf.

5A. *Appointment of Committee.*—(1) The State Government shall, by notification in the Official Gazette, appoint a Committee to be called the R. G. Kar Medical College and Hospital Advisory Committee.

(2) The Committee shall consist of the following members, namely :—

(a) the Director of Health Services, West Bengal, ex-officio, who shall be the Chairman of the Committee ;

(b) the Principal-Superintendent, Calcutta Medical College and Hospitals, ex-officio ;

(c) two persons appointed by the State Government from amongst the senior members of the staff of the institution ;

(d) one person to be nominated by the Corporation of Calcutta ;

(e) one member of the Faculty in Medicine of the University of Calcutta nominated by the Vice-Chancellor of that University ;

(f) two persons elected by the members of the Legislative Assembly of West Bengal from among themselves ;

(g) four persons interested in medical education and public health nominated by the State Government ; and

(h) the Principal-Superintendent, R. G. Kar Medical College and Hospital, Calcutta, ex-officio, who shall be the Secretary to the Committee.

(3) It shall be the duty of the Committee to advise the State Government on matters relating to the management of the institution".

6. *Substitution of new section for section 8.*—For section 8 of the said Act, the following section shall be substituted, namely :—

"8 *Conduct of business*—The business of the Committee shall be conducted in accordance with such rules as may be made by the State Government under this Act."

The West Bengal Homoeopathic System of Medicine (Amendment) Act 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* Ext., Part-III, No. 140, dated February 26, 1970/Phalgun 7, 1891.

West Bengal Act XI of 1970

[Passed by the West Bengal Legislature.]

Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 26th February, 1970.

An Act to amend the West Bengal Homoeopathic System of Medicine Act, 1963.

Whereas it is expedient to amend the West Bengal Homoeopathic System of Medicine Act, 1963, (West Ben. Act XXXIII of 1963) for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*—This Act may be called the West Bengal Homoeopathic System of Medicine (Amendment) Act, 1970.

2. *Amendment of section 21 of West Ben. Act XXXIII of 1963.*—In section 21 of the West Bengal Homoeopathic System of Medicine Act, 1963, in the proviso to sub-section (2), for the words "within a period of two years from the date of commencement of this Act", the words and figures "on or before the 31st day of December, 1970" shall be substituted.

3. *Repeal and savings.*—(1) The West Bengal Homoeopathic System of Medicine (Amendment) Ordinance, 1969 (West Ben. Ord. XVI of 1969,) is hereby repealed.

(2) Anything done or any action taken under the Bengal Homoeopathic System of Medicine Act, 1963 (West Ben. Act XXXIII of 1963,) as amended by the West Bengal Homoeopathic System of Medicine (Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 12th day of December, 1969.

The Bengal Finance (Sales Tax) (Second Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., No. 145, dated February 28, 1970/Phalguna 9, 1891.

West Bengal Act XIII of 1970

(Passed by the West Bengal Legislature.)

Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 28th February, 1970.

An Act to amend the Bengal Finance (Sales Tax) Act, 1941.

Whereas it is expedient to amend the Bengal Finance (Sales Tax) Act, 1941, (Ben. Act VI of 1941) for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*—This Act may be called the Bengal Finance (Sales Tax) (Second Amendment) Act, 1970.

2. *Amendment of Schedule I to Ben. Act VI of 1941*—In Schedule I to the Bengal Finance (Sales Tax) Act, 1941, in item 17, for the existing entry in column 1, the following entry shall be substituted, namely :—

“Inferior grade of kerosene oil, that is to say, the kerosene referred to in item 7 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944) and having all the following characteristics also—

(i) it is not lighter in colour than a solution with the following composition :—

Quarter normal aqueous solution of—

(a) Ferric Chloride ($\text{Fe Cl}_3 \cdot 6\text{HO}$),

(b) Cobaltous Chloride ($\text{Co Cl}_2 \cdot 6\text{HO}$),

(c) Copper Sulphate ($\text{Cu SO}_4 \cdot 5\text{HO}$),

mixed in the ratio of 6 : 3 : 1, and

(ii) it has a flashing point below 65.6° of Centigrade thermometer.

3. *Repeal and savings*.—(1) The Bengal Finance (Sales Tax) (Second Amendment) Ordinance, 1969, (West Ben. Ord. XVIII of 1969) is hereby repealed.

(2) Anything done or any action taken under the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941) as amended by the Bengal Finance (Sales Tax) (Second Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 31st day of December, 1969.

The Bengal Motor Spirit Sales Taxation (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Ext., Part III No. 146, dated February 28, 1970.

West Bengal Act XIV of 1970.

(Passed by the West Bengal Legislature.)

Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 28th February, 1970.

An Act to amend the Bengal Motor Spirit Sales Taxation Act, 1941

Whereas it is expedient to amend the Bengal Motor Spirit Sales Taxation Act, 1941, (Ben. Act XV of 1941) for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*.—This Act may be called the Bengal Motor Spirit Sales Taxation (Amendment) Act, 1970.

2. *Amendment of section 3 of Ben. Act V of 1941*.—In section 3 of the Bengal Motor Spirit Sales Taxation Act, 1941, for sub-section (1), the following sub-section shall be substituted namely :—

“(i) Except as otherwise expressly provided in this Act, there shall be charged and levied on all retail sales of motor spirit effected after the date of commencement of the Bengal Motor Spirit Sales Taxation (Amendment) Ordinance, 1969, a tax at the rate of fifteen paise per litre, and such tax shall be payable to the State Government by the retail dealer :

Provided that—

(i) the tax on all retail sales of motor spirit required for use as fuel in aircrafts shall be charged at the rate of twelve paise per litre ;

(ii) the tax on all retail sales of motor spirit other than motor spirit required for use as fuel in aircrafts, which has a flashing point at or above 24.4 degrees Centigrade shall be charged at the rate of ten paise per litre ;

(iii) the tax payable in respect of motor spirit sold to a retail dealer and used by such dealer for his own consumption shall be paid by such dealer.”.

3. *Repeal and savings*.—(1) The Bengal Motor Spirit Sales Taxation (Amendment) Ordinance, 1969, (West Ben. Ord. XV of 1969) is hereby repealed.

(2) Anything done or any action taken under the Bengal Motor Spirit Sales Taxation Act, 1941, (Ben. Act V of 1941) as amended by the Bengal Motor Spirit Sales Taxation (Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 15th day of November, 1969.

The Bengal Co-operative Societies (Amendment) Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette*, Ext., Part III, No. 160, dated March 3, 1970/Phalgun 12, 1891.

West Bengal Act XVII of 1970

[Passed by the West Bengal Legislature.]

Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 3rd March, 1970.

An Act to amend the Bengal Co-operative Societies Act, 1940.

Whereas it is expedient to amend the Bengal Co-operative Societies Act, 1940 (Ben. Act XXI of 1940) for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*—This Act may be called the Bengal Co-operative Societies (Amendment) Act, 1970.

2. *Amendment of section 2 of Ben. Act XXI of 1940*.—In section 2 of the Bengal Co-operative Societies Act, 1940 (hereinafter referred to as the said Act),—

(a) before clause (1a), the following clause shall be inserted, namely :—

"(a) "administrator" means a person appointed by the State Government under section 26 to manage the affairs of a co operative society;"

(b) in clause (d), the words "and to persons admitted to membership of the central co-operative land mortgage bank in accordance with its bye laws" shall be added at the end; and

(c) in clause (p), for the words "manager, assistant manager", the words "manager, deputy manager, assistant manager" shall be substituted.

3. *Substitution of new section for section 8.*—For section 8 of the said Act, the following section shall be substituted, namely:—

"8. *Power to exempt co operative societies from the provisions of the Act.*—The State Government may, if it is satisfied that it is necessary so to do in the public interest, by notification for reasons to be recorded —

(a) exempt any co-operative society or class of such societies from the application of any of the provisions of this Act or of any rules made thereunder, or

(b) direct that any of such provisions shall apply to such society or class of societies to such extent as may be specified in the notification:

Provided that no order to the prejudice of any society shall be passed, without an opportunity being given to such society to represent its case."

4. *Amendment of section 18A.*—In section 18A of the said Act,—

(a) in the marginal note, for the word "Division", the words "Division, transfer" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) A co operative society may by a resolution passed by a majority of not less than two thirds of the members present and voting at an annual or a special general meeting of the society transfer, in whole or in part, its assets and liabilities to any other co operative society or societies. Such resolution shall contain all necessary particulars in respect of such transfer of assets and liabilities."

(c) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) When the transfer of assets and liabilities in whole of a co-operative society to any other co-operative society or societies is effected, the transferor society shall be deemed to have been dissolved and shall cease to exist;"

(d) in sub-section 8, after clause (a), the following clause shall be inserted, namely:—

"(aa) when a resolution is passed by a co-operative society under sub section (1A), the resolution shall, if accepted by the transferee society or societies by a resolution passed by a majority of not less than two thirds of the members present and voting at an annual or a special general meeting of such society or societies, be a sufficient conveyance to vest the assets and liabilities in the transferee society or societies. Copies of such resolutions of the transferor and the transferee societies shall be sent to the Registrar for record."

5. *Amendment of Section 18C.*—In section 18C of the said Act,—

(a) in the marginal note, the words "or transfer of assets and liabilities of a co-operative society" shall be added at the end;

(b) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) Where the Registrar is satisfied that it is necessary in the interest of the co-operative movement that a co-operative society should be divided into two or more societies or the assets and liabilities of a co-operative society should be transferred in whole or in part to one or

more other societies, the Registrar may make a preliminary order for division of such society into two or more such societies or for the transfer of assets and liabilities of such society to one or more such societies as the case may be. The preliminary order of division shall provide for division of the assets and liabilities, the area of operation and the membership of such society among the new societies into which such society is to be divided and the preliminary order for transfer of assets and liabilities shall contain details about the transfer of assets and liabilities, the area of operation and the membership of the transferor and the transferee societies. When the transfer is made in part, the order shall be specific about the particulars of the assets and the liabilities to be transferred.

(2) The Registrar shall thereupon publish in the prescribed manner the preliminary order referred to in sub-section (1) along with a notice calling upon the co-operative society or societies concerned and every member or creditor thereof to make objections or suggestions to him with respect to such order within two months from the date of publication of such order, and shall also send a copy of such order and notice to such society or societies, as the case may be.”;

(c) in sub section (3),—

(i) for the words “of division” occurring at two places, the words “of division or of transfer of assets and liabilities, as the case may be,” shall be substituted ;

(ii) the words “or for efficient functioning of the society or societies to which assets and liabilities have been transferred” shall be added at the end ;

(d) in sub-section (4),—

(i) the words “to be divided” shall be omitted ;

(ii) the words “of division” shall be omitted ;

(e) in sub-section (5), for the word “division”, the words “division or transfer of assets and liabilities, as the case may be,” shall be substituted ;

(f) after sub-section (6), the following sub-section shall be added, namely :—

“(7) Notwithstanding anything to the contrary contained in any other law for the time being in force, upon a final order of transfer of assets and liabilities taking effect under sub section (5), the order shall be a sufficient conveyance to vest the assets and liabilities of the transferor society in the transferee society or societies as specified in the order and when transfer of assets and liabilities of a co-operative society in whole is effected, the transferor society shall be deemed to have been dissolved, and shall cease to exist.”.

6. *Insertion of new section 23A A.*—After section 23A of the Act, the following section shall be inserted, namely :—

“23A A. *Summoning of meeting of co-operative society Registrar.*—Notwithstanding anything contained in the bye-laws of a co-operative society, the Registrar or any person authorised by him in writing in this behalf may, at any time, summon a meeting of the managing committee of any co-operative society and the meeting so summoned shall be deemed to be a meeting called in accordance with the bye-laws of the co-operative society and shall have the power to transact all business which can be transacted at a meeting of the managing committee under the bye-laws of the co-operative society and such other business as may be specifically mentioned by the Registrar or the person so authorised.”.

7. *Insertion of new section 14A.*—After section 24 of the Act, the following section shall be inserted, namely :—

"24A. Power to rescind action by any co-operative society.—(1) The State Government may by order for reasons to be recorded in writing rescind any proceeding or resolution of any general meeting of a co-operative society or of any meeting to the managing committee thereof which it considers to be not in conformity with the provisions of this Act or the rules made thereunder or with any order validly issued by the State Government or by the Registrar, and may do all things necessary to secure such conformity or may suspend any resolution which it considers likely to adversely affect interests of any society or members thereof or of the co-operative movement in general.

(2) The Registrar may by order in writing suspend the execution of any resolution or order of the managing committee of a co-operative society or of its Chairman, or prohibit the doing of any act which is about to be done, or is being done in pursuance, or under cover, of this Act or any rule or bye-law made thereunder, if in his opinion the resolution, order or act, as the case may be, is in excess of the powers conferred by this Act or the execution of the resolution or order, or the doing of the act, is likely to prejudice the material interest of the co-operative society or the member thereof or of the co-operative movement in general.

(3) When the Registrar makes any order under sub-section (2), he shall forthwith forward a copy thereof stating the reasons for making it to the State Government and the State Government may thereupon rescind such order or direct that the order continue in force with or without modification, permanently or for such period as the State Government thinks fit."

8. *Amendment of section 25.—*In section 25 of the said Act.—

(a) in sub-section (1), the words "after an inspection under section 82 or an inquiry under section 84," shall be omitted;

(b) after sub-section (2), the following sub-section shall be added, namely :—

"(3) If the managing committee is not dissolved and re-constituted within the time determined, and in such manner as may be directed, by the Registrar under sub-section (1), he may by order dissolve the managing committee and the members thereof shall forthwith vacate their offices and the Registrar shall thereupon appoint a managing committee with the nominees if any, of the State Government on the managing committee which has been dissolved and with such members of the co-operative society as he thinks fit, to manage the affairs of the co-operative society for such period not exceeding one year, and to arrange for the constitution of a new managing committee by such date as the Registrar may determine

(4) An order under sub-section (3) shall be in writing, shall set forth the reasons for which they are passed, and shall be passed only after an opportunity has been given to the managing committee to state its objections thereto."

9. *Substitution of new section for section 26.—*For section 26 of the said Act, the following section shall be substituted, namely :—

"26 Dissolution of managing committee and appointment of Administrator.—(1) If the State Government is satisfied that the managing committee of any co-operative society has misappropriated the funds of such society or has persistently made default in the performance of the duties imposed on it by this Act or the rules or bye-laws made

thereunder or commits any act which is prejudicial to the interest of such society or other co-operative societies or wilfully disobeys or wilfully fails to comply with any lawful order or direction issued by the State Government or by the Registrar, the State Government may after giving such managing committee an opportunity of being heard, by order dissolve the managing committee and appoint one or more administrators to manage the affairs of such society for a period not exceeding one year at a time as may be specified in the order, and may also by order extend the period so, however, that the total period shall not exceed two years.

(2) The administrator or administrators appointed under sub-section (1) shall, subject to the control of the Registrar and to such instructions as the Registrar may from time to time give, exercise all the functions of the managing committee and all the powers of the members thereof.

(3) The administrator shall before the expiry of his term of office arrange for the constitution of a new managing committee for such co-operative society in accordance with the bye-laws of such society."

10. *Insertion of new section 41 A*—In Chapter IV of the said Act, after section 41, the following section shall be inserted, namely:—

"41A *Power of State Government to issue directions*.—(1) The State Government may at any time for reasons to be recorded in writing, issue directives to any co-operative society or class of co-operative societies to restrict, regulate or modify policies relating to the grant of loans in the manner specified in the directives or to take any other action considered necessary and expedient in the interest of such society or class of societies or of the co-operative movement in general.

(2) The State Government may modify or cancel any directions issued under sub-section (1), and in modifying or cancelling such directions may impose such conditions as it may deem fit."

11. *Amendment of section 59A*—In section 59A of the said Act,—

(a) in sub-section (3),—

(i) for the words "within two months", the words "within one month" shall be substituted;

(ii) for the words "within one month", the words "within fifteen days" shall be substituted;

(iii) in the proviso for the words "within a period of three months", the words "within a period of forty-five days" shall be substituted;

(b) after sub-section (3) the following sub-section shall be added, namely:—

"(4) An appeal shall lie to the Registrar against the decision of a co-operative society refusing to admit any applicant as a member of the society if preferred within one month from the date of communication of such decision to such applicant and where the decision of the society is not communicated to the applicant within the period referred to in the proviso to sub-section (3), within one month from the expiry of such period."

12. *Amendment of section 86*.—Section 86 of the said Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

"(2) Any dispute mentioned in sub-section (1) other than a dispute relating to the recovery of money shall be referred to the Registrar within one month from the date of the cause of action."

13. *Amendment of section 133*.—In section 133 of the said Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

"(bb) any directives issued by the State Government under section 41A; or".

14. *Amendment of section 140.*—In section 140 of the said Act, in sub-section (2), clause (iii) shall be omitted.

15. *Amendment of the Second Schedule.*—In the Second Schedule to the said Act, serial No. 6 and the entries relating thereto shall be omitted.

16. *Repeal and savings.* (1) The Bengal Co-operative Societies Second (Amendment), Ordinance, 1969, (West Ben Ord. I of 1970) is hereby repealed.

(2) Anything done or any action taken under the said Act as amended by the Bengal Co-operative Societies (Second Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 13th day of January, 1970.

The West Bengal Paddy Purchase Tax Act 1970

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* Extraordinary, Part III, No. 153, dated March 3 1970/Phalgana 11, 1891.

West Bengal Act XV of 1970

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 2nd March, 1970.]

An Act to provide for the levy of a tax on paddy purchased by the owners of rice mills for augmentation of revenue and for collecting information of, and exercising control over, the stocks of paddy in possession of rice mills in West Bengal.

Whereas it is expedient to provide for the levy of a tax on paddy purchased by the owners of rice mills for augmentation of revenue and for collecting information of, and exercising control over, the stocks of paddy in possession of rice mills in West Bengal;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal as follows:—

1. *Short title and extent.*—(1) This Act may be called the West Bengal Paddy Purchase Tax Act, 1970.

(2) It extends to the whole of West Bengal.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) "owner", in relation to a rice mill, means the person who, or the authority which, has the ultimate control over the affairs of the rice mill and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the rice mill;

(2) "power", means electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

(3) "prescribed" means prescribed by rules made under this Act;

(4) "purchased" means purchased and delivered;

(5) "purchase price" means the amount payable by the owner of a rice mill as valuable consideration for the purchase of any paddy less any sum allowed by the seller as cash discount according to ordinary trade practice, but including anything charged for anything done by the seller in respect of the paddy at the time of, or before, delivery thereof;

(6) "rice mill" means the plant and machinery with which, and the premises including precincts thereof in which or any part of which, the operation of recovering rice or any product thereof from paddy with the aid of power is carried on in West Bengal;

(7) "turnover of purchases" used in relation to any period means the aggregate of the purchase prices payable by an owner of a rice mill for the quantity of paddy purchased by him during such period after deducting the amounts, if any, refunded to him by the seller during such period in respect of any quantity of paddy returned to the seller within ninety days from the date of its purchase and such other amounts as may be prescribed

3. *Levy of tax* —(1) There shall be charged and levied a tax on the turnover of purchases of an owner of a rice mill in respect of all purchases of paddy made by such owner from the date of publication of the West Bengal (Tax on paddy purchased by rice mills) Ordinance, 1970 (West Ben. Ord. II of 1970) at the rate of two per centum of such turnover and such tax shall be payable to the State Government by the owner of every rice mill in the manner hereinafter provided.

(2) In calculating the tax payable under this Act by the owner of a rice mill on his turnover of purchases during any period, the purchase price in respect of any quantity of paddy sold and despatched by him during such period subsequently to his purchase thereof to any place inside West Bengal shall be deducted from such turnover.

(3) No tax shall be leviable under this Act in respect of the purchase prices of any quantity of paddy in respect of which such tax has already been paid :

Provided that the burden of proving that such tax has already been paid shall be upon the person who claims the benefit of this sub-section.

4. *No premises to be used as a rice mill unless registered.* —(1) No premises shall, after the publication of the West Bengal (Tax on paddy purchased by rice mills) Ordinance, 1970, be used as a rice mill unless such premises have been registered by the owner of the rice mill :

Provided that, where any premises are, at the publication of the West Bengal (Tax on paddy purchased by rice mills) Ordinance, 1970, used as a rice mill, the owner of such rice mill shall be allowed two months from such publication to effect such registration.

(2) An application for registration under this section shall be made in such form and to such authority as may be prescribed, and the prescribed authority shall, in the prescribed manner and form, maintain a record of every registration.

(3) The registration of any rice mill may be cancelled by the registering authority if the premises register have ceased to be used as a rice mill.

5. *Owners of rice mills to keep books of account and submit returns.* Every owner of a rice mill shall in respect of such rice mill—

(a) keep books of account relating to the purchases of paddy in the prescribed form; and

(b) submit to such authority as may be prescribed a return for the prescribed period in the prescribed form and before the prescribed date showing—

(i) the aggregate of the purchase prices of paddy purchased by him for the rice mill during the prescribed period.

(ii) the amount of refund of purchase price received by him from the seller within ninety days from the date of purchase,

(iii) the purchase price of paddy sold and despatched by him subsequently to his purchase, to places within West Bengal during the prescribed period, and

(iii) such other particulars necessary for the purposes of this Act as may be prescribed.

6. *Payment of tax and receipt for such payment*—Before submitting in each period the return referred to in clause (b) of section 5 the owner of a rice mill shall pay into a Government Treasury or the Reserve Bank of India the full amount of the tax due under this Act in respect of the paddy purchased by him according to such return, and shall furnish along with the return a receipt from such treasury or bank showing payment of such amount.

7. *Determination of the amount of tax by the prescribed authority in certain cases.*—(1) If no returns are furnished by the owner of a rice mill under clause (b) of section 5 in respect of any period before the date prescribed in that behalf, or if the returns are furnished without a receipt showing full payment of the tax due as required by section 6, or if the authority referred to in clause (b) of section 5 is not satisfied that the returns furnished are correct and complete, such authority shall, after making such enquiry, if any, as it considers necessary, determine the amount of the tax due in respect of such period from such owner and such authority may in the case where no returns are furnished within the prescribed date or when the returns are furnished without any receipt showing full payment of the tax due as required by section 6 direct that such owner shall pay in addition to the amount of the tax so determined a sum not exceeding that amount by way of penalty and the amount of the tax so determined together with the penalty (if any) so directed to be paid, less the sum, if any, already paid by him, shall be paid by such owner into a Government Treasury or the Reserve Bank of India within fourteen days after demand is made therefor:

Provided that, before action is taken under this sub section, the owner of a rice mill shall be given a reasonable opportunity of proving the correctness and completeness of the returns, if any, furnished by him:

Provided further that the authority referred to in clause (b) of section 5 may, for reasons to be recorded in writing, extend the date of such payment.

(2) If the amount of the tax due and the penalty (if any) directed to be paid under subsection (1) are not paid within the period mentioned in that sub-section or within the period extended under the second proviso to the said sub-section, the authority referred to in clause (b) of section 5 may direct that the owner of the rice mill shall pay in addition to the amount of the tax and penalty (if any) so unpaid a sum not exceeding the amount of the tax by way of penalty or further penalty, as the case may be.

(3) If default is made in making the payment of the amount of tax due or any penalty directed to be paid under sub-section (1) within the period mentioned in that sub-section or within the period extended under the second proviso to the said sub section or in making the payment of any penalty directed to be paid under sub-section (2), it shall be recoverable from the person from whom it is due as an arrear of land revenue.

8. *Information to be furnished regarding changes of rice mill.*—If any owner to whom the provisions of clause (b) of section 5 apply—

(a) sells or otherwise disposes of his rice mill or any part thereof or comes to know of any other change in the ownership of the rice mill, or

(b) closes his rice mill or changes his place of rice mill or opens a new place of rice mill, or

(c) changes the name of the rice mill which is specified in his certificate of registration,

he shall within the prescribed time and in the prescribed manner inform the prescribed authority accordingly; and if any such owner dies, his legal representative shall, in like manner, inform the said authority.

9. *Transfer of rice mill.*—Where the ownership of a registered rice mill is transferred absolutely by sale, gift, bequest, inheritance or otherwise or transferred by way of lease and the transferee or the lessee runs such rice mill, either in its old name or in some other name the transferee or the lessee shall for all the purposes of this Act (except for liabilities under this Act already discharged by such owner) be deemed to be and to have always been the owner of such registered rice mill (in the case of a lease for so long as the lease subsists) as if the registration certificate of such rice mill had initially been granted to the transferee or the lessee; and the transferee or the lessee shall, on application to the authority referred to in clause (b) of section 5, be entitled to have the registration certificate amended accordingly.

10. *Action taken and proceedings commenced or continued in the trade name of a rice mill.*—Notwithstanding anything contained in any law for the time being in force, in respect of any rice mill run under a trade name action may be taken under this Act in any matter connected with the purposes of this Act including the realisation of taxes or penalty, and proceedings for the recovery of any such taxes or penalty may be commenced or continued under any law against the person owning the rice mill:

Provided that no action taken or proceedings commenced shall be called in question merely on the ground that such action was taken or such proceedings were commenced in the trade name of the rice mill.

11. *Liability to tax of a firm, an association of persons, a Hindu undivided family when business is closed and of a dissolved firm and association of persons and partitioned Hindu family.*—(1) Notwithstanding anything contained in any law for the time being in force, where—

(a) any rice mill run by any firm or association of persons or Hindu undivided family as an owner thereof is closed, or

(b) such firm or association of persons is dissolved or such Hindu undivided family is partitioned, as the case may be, the authority referred to in clause (b) of section 5 shall determine the tax payable under this Act by such firm or association of persons or Hindu undivided family for the period up to the date of such closure, dissolution or partition, as if no such closure, dissolution or partition, as the case may be, has taken place and all the provisions of this Act relating to the assessment and recovery of such tax shall apply accordingly.

(2) If in the course of any proceeding under this Act in respect of any such firm or association of persons or Hindu undivided family the authority referred to in clause (b) of section 5 is satisfied that such firm or association of persons or Hindu undivided family was or is liable to pay any penalty under section 7 he may direct the imposition of such penalty in accordance with the provisions of section 7 as if no such closure or dissolution or partition, as the case may be, has taken place.

(3) Every person who at the time of such closure or dissolution or partition, as the case may be, was a partner of such firm or a member of such association of persons or a member of such Hindu undivided family and where any such person is dead the legal heir of such person shall, notwithstanding such closure or dissolution or partition, as the

case may be, be jointly and severally liable for the amount of tax, penalty or other sum payable under this Act and shall be similarly liable to be proceeded against in any proceeding for the purpose of assessment and recovery of such tax, penalty or other sum and all the provisions of this Act shall apply accordingly.

(4) Where such closure or dissolution or partition takes place after any proceeding in respect of an assessment period or any penalty or other matter has commenced, the proceeding may be continued against every person referred to in sub-section (3) from the stage at which the proceedings stood at the time of such closure or dissolution or partition, as the case may be.

12. *Refunds* — The authority referred to in clause (b) of section 5 shall, in the prescribed manner, refund to the owner of the rice mill applying in this behalf any amount of the tax paid by such owner in excess of the amount due from him under this Act, either by cash payment or, at the option of such owner, by deduction of such excess from the amount of the tax due in respect of any other period.

13. *Powers of inspection, entry and search* — (1) Any person empowered by the State Government in this behalf may, for the purposes of this Act, —

(a) require any owner of a rice mill to produce before such person all accounts, vouchers and other documents relating to stocks, purchases, receipts and despatches of paddy, and to furnish any other information relating to such stocks, purchases, receipts and despatches and every such owner shall comply with such requisition; and

(b) inspect such accounts, vouchers and documents of, and the paddy held in stock by, such owner.

(2) Any such person empowered by the State Government in this behalf may enter and search, at any time, by day any building, vessel, vehicle or place in which he has reason to believe that any owner of a rice mill holds any stock of paddy.

(3) All searches made under sub-section (2) shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898. (Act 5 of 1898).

14. *Returns, etc. to be confidential* — No person to whom any returns under this Act are furnished or who makes an inspection under section 13 shall, save with the previous sanction of the State Government, disclose any information obtained from any such return or inspection otherwise than departmentally or for the purposes of prosecution under the Indian Penal Code (Act 45 of 1860) in respect of any such return, or of any account, voucher or other document inspected, or for the purposes of a prosecution under this Act.

15. *Penalties*. — Any person who —

(a) being the owner of a rice mill fails to register such rice mill as required by section 4; or

(b) fails to keep books of account as required by clause (a) of section 5; or

(c) fails without sufficient cause to submit any return, as required by clause (b) of section 5, or furnishes an incorrect or incomplete return, or fails to submit a receipt for the full amount of the tax due as required by section 6; or

(d) fraudulently evades the payment of any tax due under this Act; or

(e) neglects to furnish any information required by section 8; or
(f) refuses to comply with a requisition under clause (4) of sub-section (1) of section 13 or obstructs any officer making an inspection or a search under section 13; or

(g) discloses any information in contravention of the provisions of section 14; or

(h) acts in contravention of any of the provisions of this Act, shall, on conviction, be punishable with fine which may extend to one thousand rupees, and in the case where the failure, evasion or contravention is a continuing one, with a further fine which may extend to one hundred rupees for every day after the first during which such failure, evasion or contravention continues subsequent to such conviction.

16. *Institution of proceedings.*—No proceedings in respect of any offence under this Act shall be instituted except with the previous sanction of such authority as may be prescribed and upon complaint by a person empowered under section 13.

17. *Offences to be bailable.*—All offences punishable under this Act shall be bailable.

18. *Power to compound offence.*—(1) The prescribed authority may accept from any person charged with any offence punishable under this Act or any rule made thereunder, by way of composition for such offence payment of a sum of money not exceeding five hundred rupees or double the amount of the tax payable, whichever is greater.

(2) If payment by way of composition is accepted under sub-section (1), the accused, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

19. *Jurisdiction to try offences.*—No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

20. *Officers to be deemed public servants.*—All persons empowered to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act 45 of 1860).

21. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against any employee of the State Government for anything which is in good faith done or intended to be done under this Act.

22. *Limitation of suits and proceedings.*—No suit shall be instituted against the State Government and no suit, prosecution or other proceedings shall be instituted against an employee of the State Government in respect of anything done or intended to be done under this Act, unless the suit, prosecution or other proceeding has been instituted within six months from the date of the act complained of.

23. *Bar to certain proceedings.*—No assessment made and no order passed under this Act or the rules made thereunder by the authority referred to in clause (b) of section 5 shall be called in question in any civil court and save as is provided in section 24, no appeal or application for revision or review shall lie against any such assessment or order.

24. *Appeal and revision.*—(1) Any person aggrieved by any order under this Act may appeal within sixty days from the date of such order to such authority and in such manner as may be prescribed.

(2) Subject to such rules of procedure as may be prescribed, the prescribed authority in disposing of any appeal filed under sub-section (1), may—

(a) confirm, reduce, enhance or annul the assessment; or

(b) set aside the assessment and direct the assessing authority to

make a fresh assessment after such further inquiry as may be directed.

(3) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (4), be final.

(4) Subject to such rules as may be prescribed the prescribed authority may either of its own motion or on application, call for and examine the record of any order passed or the proceedings recorded by any officer or person subordinate to such authority, for the purpose of satisfying itself as to the legality or propriety of such order, or as to the regularity of such proceedings, and may pass such order in reference thereto as it thinks fit.

(5) Nothing in this section shall apply to the orders or proceedings of any Court or Magistrate.

25. *Power to make rules.*—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form of application for registration under sub-section (2) of section 4, the authority to which such applications shall be made the manner and form in which such authority shall maintain a record of registrations;

(b) the forms in which books of account shall be kept under clause (a) of section 5;

(c) the authority to which and the period for which returns are to be furnished under clause (b) of section 5, the forms of such returns, the date before which they are to be furnished and the particulars which may be necessary for the purposes of this Act other than those specified in the said clause to be contained in those returns;

(d) the time within which and the manner in which information shall be furnished under section 8 :

(e) the manner in which refunds under section 12 shall be made;

(f) the authority which may, under section 16, accord previous sanction to the institution of proceedings;

(g) the authority which may, under sub-section (1) of section 18, accept payment by way of composition for offences under this Act; and

(h) the authority to which and the manner in which an appeal shall be filed under sub-section (1) of section 24 and the authority which may exercise powers under sub-section (4) of that section.

(3) In making any rule under sub-section (1) or sub-section (2), the State Government may provide that any person committing a breach thereof shall, on conviction, be punishable with fine which may extend to one hundred rupees.

26. *Act not to apply to certain sales and purchases.*—Nothing in this Act shall apply to any sale or purchase of paddy which takes place outside the State of West Bengal or in course of inter-State trade or commerce or in course of import into, or export out of, the territory of India.

27. *Repeal and savings.*—(1) The West Bengal (Tax on paddy purchased by rice mills) Ordinance, 1970, (West Ben. Ord. II of 1970) is hereby repealed.

(2) Anything done or any action taken under the West Bengal Tax on paddy purchased by rice mills) Ordinance, 1970, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 14th day of January, 1970.

The West Bengal Court Fees Act, 1970.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette*, Extraordinary, Part III, No. 139, dated February 26, 1970/Phalgun 7, 1891.

West Bengal Act X of 1970.

(Passed by the West Bengal Legislature.)

Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 26th February, 1970.

An Act to amend and consolidate the law relating to court fees in the State of West Bengal.

WHEREAS it is expedient to amend and consolidate the law relating to court-fees in the State of West Bengal;

It is hereby enacted in the Twenty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :

CHAPTER I

Preliminary

1. *Short title, extent and application.*—(1) This Act may be called the West Bengal Court fees Act, 1970.

(2) It extends to the whole of the State of West Bengal.

(3) The provisions of this Act shall not apply to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government.

(4) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.

Notes

Object.—The West Bengal Court-Fees Ordinance, 1969, which was promulgated by the Governor on the 10th December, 1969, was brought into operation on the 10th January, 1970. Till before coming into force of the ordinance, no *ad valorem* court-fees were payable in the original-side of the High Court, Calcutta although such fees were leviable in the district and other courts. With a view to removing such discrimination with regard to payment of court fees in the different courts of the State, it was considered desirable to introduce *ad valorem* court-fee in the Original Side of High Court Calcutta. In the meantime the erstwhile pecuniary jurisdiction of the City Civil Court, Calcutta, was raised from Rs. 10,000 to Rs. 50,000 by the City Civil Court (Amendment) Act, 1969. As a result, the litigants in that Court became subjected to the payment of *ad valorem* court-fees, on suits valued up to Rs. 50,000, while their counterparts in the High Court remained exempted from payment of *ad valorem* court-fees even on suits of greater value. Such a situation warranted immediate legislative measure. But as the Legislature was then not in session and as the matter brooked no delay, the aforesaid Ordinance was promulgated introducing *ad valorem* court-fees in the High Court, Original Side, Calcutta.

Secondly, the provisions of the Court-Fees (West Bengal Amendment) Act, 1968 (President's Act 7 of 1968) by which the rates of court-fees previously payable in anna denomination had been decimalised, were incorporated in the abovenamed Ordinance.

Thirdly, the Ordinance repealed the Court-Fees Act, 1870, in its application to the State of West Bengal and in relation to the fees and stamps other than those relating to documents presented or to be presented before an officer serving under the Central Government.

The Bill aims at replacing the abovementioned Ordinance by an Act of the Legislature. Vide Statement of Objects and Reasons printed in the *Calcutta Gazette*, Ext., Part IV-A, No. 63, dated January 30, 1970/Magha 10, 1891.

2 *Definitions*—In this Act, unless there is anything repugnant in the subject or context,—

- (1) "appeal" includes a cross-objection;
- (2) "Collector" includes any officer not below the rank of a Sub-Deputy Collector appointed by the Collector to perform the functions of a Collector under this Act;
- (3) "Court" means any Civil, Revenue or Criminal Court and includes a Tribunal or other authority having jurisdiction under any local or special law to decide questions affecting the rights of parties;
- (4) "suit" includes an appeal from a decree except in section 9;
- (5) expressions used and not defined in this Act or in the Bengal General Clauses Act, 1899, (Ben. Act I of 1899), defined in the Code of Civil Procedure, 1908, (5 of 1908), shall have the meanings respectively assigned to them in the said Code.

CHAPTER II

Fees payable in Courts and in Public Offices

3. *Levy of fees in Court of Small Causes, Calcutta*—The fees for the time being chargeable in the Court of small Causes at Calcutta, and its office shall be collected in the manner hereinafter appearing.

4. *Levy of fee in Courts and public offices*.—(1) No document which is chargeable with fee under this Act shall—

- (i) be filed, exhibited or recorded in, or be acted on or furnished by, any Court including the High Court, or
- (ii) be filed, exhibited or recorded in any public office or be acted on or furnished by any public officer.

unless in respect of such document there be paid a fee of an amount not less than that indicated as chargeable under this Act:

Provided that, whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the Court, necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such filing or exhibition.

(2) Notwithstanding anything contained in sub-section (1), or in any other Act, a Court may receive a plaint or memorandum of appeal in respect of which an insufficient fee has been paid subject to the condition that the plaint or memorandum of appeal shall be rejected unless the plaintiff or appellant, as the case may be, pays to the Court within a time to be fixed by the Court such reasonable sum on account of court-fees as the Court may direct.

5. *Procedure in case of difference as to necessity of amount of fee*.—

(1) In case any difference arises between the officer whose duty is to see that any fee is paid under this Act and any suitor or his pleader, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the Taxing Officer whose decision thereon shall be final, subject to revision, on an application made within sixty days from the date of the decision by the suitor or by his pleader, or such Officer as may be appointed in this behalf by the State Government, by the Chief Justice or by such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

(2) When any such difference arises in the Court of Small Causes at Calcutta, the question shall be referred to the registrar of the Court of Small Causes at Calcutta whose decision shall be final, subject to revision, on application made within sixty days from the date of the decision, by the party concerned or such Officer as may be appointed in this behalf by the State Government, by the Chief Judge or by such Judge of the Court of Small Causes at Calcutta as the Chief Judge shall appoint either generally or specially in this behalf.

(3) The Chief Justice shall declare who shall be the Taxing Officer within the meaning of sub-section (1) of this section.

6. *Document inadmissible unless fees collected by stamp purchased in West Bengal.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, no document of any of the kinds chargeable under this Act shall be filed, exhibited or recorded in any Court including the High Court or shall be received, furnished or acted upon by any such Court or by any public officer, unless, in respect of such document, the stamp referred to in section 39 has been purchased from a person authorised or appointed to sell stamps in West Bengal.

CHAPTER III

Computation of fees

7. *Computation of fees payable in certain suits.*—The amount of fee payable under this Act in the suits next hereinafter shall be computed as follows:—

(i) *for money*:—In suits for money including suits for damages or compensation; or arrears of maintenance, of annuities, or of other sums payable periodically—according to the amount claimed;

(ii) *for maintenance and annuities*:—In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

Provided that in suits by widows for maintenance such value shall be deemed to be the amount claimed to be payable for one year;

(iii) *for movable property having a market value*:—In suits for movable property other than money, where the subject-matter has a market value—according to such value at the date of presenting the plaint;

(iv) *for moveable property of no market value*: In suits—(a) for movable property where the subject-matter has no market value, as for instance, in the case of documents relating to title;

(b) *for declaratory decree and consequential relief*:—to obtain a declaratory decree or order, where consequential relief is prayed,

(c) *for injunction*:—to obtain an injunction,

(d) *for easement*:—for a right to some benefit (not herein otherwise provided for) to arise out of land, and

(e) *for accounts*; for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal subject to the provisions of section 11.

In all such suits the plaintiff shall state the amount at which he values the relief sought.

(v) *for possession of land, buildings or gardens*:—In suits for the possession of land, buildings or gardens, not being suits referred to in clause (vi) —

(a) according to the value of the subject-matter, and such value shall be deemed to be fifteen times the net profits which have arisen from the land, building or garden during the year next before the date of presenting the plaint, or if the Court fees reason to think that such profits have been wrongly estimated, fifteen times such amount as the

Court may assess as such profits or according to the market-value of the land, building or garden whichever is lower;

(b) if, in the opinion of the Court, such profits are not readily ascertainable or assessable, or where there are no such profits, according to the market-value of the land, building or garden;

Explanation.—In this paragraph "building" includes a house, out-house, stable, privy, urnal, shed, hut, wall and any other such structure, whether of masonry, bricks, wood, mud metal or any other material whatsoever;

(vi) *for recovery of possession of immovable property* In a suit for recovery of possession of immovable property from—

(a) a trespasser, where no declaration of title to property is either prayed for or necessary for disposal of the suit—according to the amount at which the relief sought is valued in the plaint subject to the provisions of section 11;

(b) a licensee upon revocation or termination of his license,—

(i) where a license fee is payable by the licensee in respect of the immovable property to which the suit refers—according to the amount of the license fee of the immovable property payable for the year next before the date of presenting the plaint, or

(ii) where no such license fee is payable by the licensee—according to the amount at which the relief sought is valued on the plaint subject to the provisions of section 11;

(vii) *to enforce a right of pre-emption.*—In suits to enforce a right of pre-emption—according to the market-value of the land, building or garden in respect of which the right is claimed;

Explanation.—In this paragraph "building" has the same meaning as in paragraph (v);

(viii) *for partition and separate possession of a share of joint family property, etc.*—In suits for partition and separate possession of a share of joint family property or of a joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property—if the plaintiff has been excluded from possession of the property of which he claims to be a coparcener or co-owner—according to the market-value of the share in respect of which the suit is instituted;

(ix) *for interest of assignee of land-revenue.*—In suits for the interest of an assignee of land-revenue—fifteen times his net profits as such for the year next before the date of presenting the plaint;

(x) *to set aside an attachment.*—In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached;

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest;

(xi) *to redeem.*—In suits against a mortgagee for the recovery of the property mortgaged.

to foreclose.—and in suits by a mortgagee to foreclose the mortgage, or where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principal money expressed to be secured by the instrument of mortgage;

(xii) *for specific performance.*—In suits for specific performance—

(a) of a contract of sale—according to the amount of the consideration,

(b) of a contract of mortgage—according to the amount agreed to be secured,

(c) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term,

(d) of an award—according to the amount of value or the property in dispute ;

(xiii) *between landlord and tenant*.—In the following suits between landlord and tenant—

(a) for the delivery by a tenant of the counterpart of a lease,

(b) to enhance the rent of a tenant having a right of occupancy,

(c) for the delivery by a landlord of a lease,

(d) for the recovery of immovable property from a tenant including a tenant holding over after the determination of a tenancy.

(e) to contest a notice of ejection,

(f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord, and

(g) for abatement of rent—

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

8. *Fee on memorandum of appeal against order relating to compensation*.—The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

9. *Statement of particulars of subject matter of suits and plaintiff's valuations thereof*.—In every suit in which an ad-valorem court-fee is payable under this Act on the plaint, the plaintiff shall file with the plaint a statement of particulars of the subject-matter of the suit and his own valuation thereof unless such particulars and the valuation are contained in the plaint. The statement shall be in such form and shall contain such particulars as may be prescribed by the State Government by notification in the Official Gazette. In every such suit the plaintiff shall also, if the Court so directs, file a duplicate copy of the plaint and of the said statement.

10. *Procedure where insufficient court-fee is filed on plaint or memorandum of appeal*.—(1) In every suit in which a court-fee is payable under this Act on the plaint or memorandum of appeal the Court shall on the date fixed for the appearance of the opposite party or as soon as may be thereafter, and in every case before proceeding to deliver judgment, record a finding whether a sufficient court-fee has been paid.

(2) If the Court records a finding that an insufficient court-fee has been paid on the plaint or memorandum of appeal the Court shall—

(a) stay all further proceedings in the suit until it has determined the proper amount of such court-fee payable and the plaintiff or the appellant, as the case may be, has paid such amount or until the date referred to in clause (b), as the case may be:

Provided that if the plaintiff or appellant gives, within such time as the Court may allow, security, to the satisfaction of the Court, for the payment of any additional amount for which he may be found liable the Court may proceed with the suit,

(b) fix a date before which the plaintiff or appellant shall pay the amount of court-fee due from him, as determined by the Court under clause (a).

(3) If the plaintiff or appellant fails to give the security referred to in clause (a) of sub-section (2) or to pay the amount referred to in clause (b) of that sub-section within the time allowed, or before the date fixed, by the Court, as the case may be, the suit shall be dismissed.

11. *Inquiry as to valuation of suits.*—If the Court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation and may hold such inquiry as it thinks fit for such purpose.

12. *Investigation to ascertain proper valuation.*—(1) For the purpose of any inquiry under section 11 the Court may depute, or issue a commission to any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidenced in the inquiry.

(2) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

13. *Powers of persons making inquiry under sections 11 and 12.*—(1) The Court when making an inquiry under section 12 shall have, respectively, for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath or affirmation ;

(b) compelling the production of documents or material objections ; and

(c) issuing commissions for the examination of witnesses.

(2) Any inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code (45 of 1860).

14. *Costs of inquiry as to valuation and refund of excess fee.*—(1) If in the result of an inquiry under section 11 the Court finds that the subject-matter of the suit has been undervalued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry.

(2) If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid the State Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid.

15. *Procedure in suits for mesne profits or account when amount found due exceeds amount claimed.*—Where, in any suit for mesne profits or for land and mesne profits or for an account, the fee which would have been payable if the suit had comprised the whole of the relief to which the Court finds the plaintiff to be entitled, exceeds the fee actually paid, the Court shall require the plaintiff to pay an additional fee equal to the amount of the excess, and if such additional fee is not paid, within such time as the Court may fix the suit, or if a decree has previously been passed therein, so much of the claim as has not been so decreed, shall be dismissed.

Provided that, where the additional fee is payable in respect of a portion of the claim which can be relinquished, that portion only shall be dismissed.

16. *Decision of questions as to valuation*.—(1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

(2) But whenever any such suit comes before a Court of Appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided,

(a) if the party required to pay is the appellant or petitioner, the provisions of sub-sections (2) and (3) of section 10 shall so far as may be, apply;

(b) if the party required to pay is the respondent or the opposite party, the provisions of sub-section (2) of section 10 shall, so far as may be, apply, and if such party fails to pay the fee required before the date fixed by the Court, the Court shall recover the amount of such fee from him as a public demand.

Explanation.—For the purposes of this section a question relating to the classification of any suit for the purpose of section 7 shall not be deemed to be a question relating to valuation.

17. *Recovery of deficit court-fee in certain cases*.—(1) The High Court shall, when dealing with an application for leave to appeal to the supreme Court, make an order for the payment of any deficit court-fee with such interest not exceeding six *per centum per annum* as the High Court may direct, in all cases where the High Court finds that the subject-matter of the suit or appeal had been undervalued either in the Court of first instance or in the Court of Appeal or in both, irrespective of whether the certificate of fitness for appeal to the Supreme Court is or is not granted.

(2) The fee together with interest thereon found to be payable under sub-section (1) shall be paid by the party ordered to do so and if such party fails to pay the amount required before the date fixed by the High Court, it shall be recoverable from him as a public demand.

18. *Refund of fee paid on memorandum of appeal*.—If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure (5 of 1908) is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in Order XLI, Rule 23 of the same Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal.

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

19. *Refund fee on application for review of judgment*.—Where an application for a review of judgment is presented on or after the nineteenth day from the date of the decree, the Court unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

20. Refund where Court reverses or modifies its former decision on ground of mistake.—(1) Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under Schedule II to this Act, No. 1, clause (b) or clause (d).

(2) Nothing in sub-section (1) of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

21. Multifarious suits.—(1) In any suit in which two or more separate and distinct causes of action are joined and separate and distinct reliefs are sought in respect of each, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees with which the plaints or memoranda of appeal would be chargeable under this Act in separate suits instituted in respect of each such cause of action.

Provided that nothing in this sub-section shall be deemed to affect any power conferred by or under the Code of Civil Procedure, 1908 (5 of 1908) to order separate trials.

(2) Where more reliefs than one based on the same cause of action are sought either jointly or in the alternative, the fee shall be paid according to the value of the relief in respect of which the largest fee is payable.

22. Written examinations of complainants.—When the first or only examination of a person who complains of the offence for wrongful confinement or of wrongful restraint or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure (5 of 1898) the complainant shall pay a fee of one rupee unless the Court thinks fit to remit such payment.

23. Exemption of certain documents.—Nothing contained in this Act shall render the following documents chargeable with any fee:—

(i) Power-of-attorney or other written authority to institute or defend a suit when executed by a member of any of the armed Forces of the Union not in civil employment.

(ii) Written statements called for by the Court after the first hearing of a suit.

(iii) Probate of a will, letters of administration, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed two thousand rupees.

(iv) Application or petition to a collector or other officer making settlement of land-revenue, or to the Board of Revenue, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

(v) Application relating to a supply for irrigation of water belonging to Government.

(vi) Application for leave to extend cultivation, or to relinquish land when presented to an officer of land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled but not permanently.

(vii) Application for service of notice of relinquishment of land or of enhancement of rent.

- (viii) Written authority to an agent to distrain.
- (ix) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other persons to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.
- (x) Bail bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.
- (xi) Petition application, charge or information respecting any offence, when presented, made or laid to or before a police officer, or to or to before the Heads of Village or the village police
- (xii) Petition by a prisoner or other person in duress or under restraint of any Court or its officers
- (xiii) Complaint of a public servant (as defined in the Indian Penal Code (45 of 1860) a municipal, officer, or an officer or employees of Government Railway.
- (xiv) Application for permission to cut timber in Government forests or otherwise relating to such forests.
- (xv) Application for the payment of money due by Government to the applicant.
- (xvi) Petition of appeal against any municipal tax.
- (xvii) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes
- (xviii) Petitions of appeal by employees of the Government or Court of wards against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.

CHAPTER IV

Probates, letters of administration and certificates of administration

24. *Relief where too high a court-fee has been paid*—Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Board of Revenue for the local area in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required, the said Authority may—

(a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;

(b) substitute another stamp for denoting the court-fee which should have been paid thereon; and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

25. *Relief where debts due from a deceased person have been paid out of his estate*—(1) Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act, such Authority may return the difference, provided the

same be claimed within three years after the date of such probate or letters.

(2) But when, by reason of any legal proceeding, the debts due from the deceased have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

26. Relief in case of several grants.—Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(2) Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

27. Probates declared valid as to property though not covered by court-fee—The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring, or assigning any moveable or immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

28. Provision for case where too low a court-fee has been paid on probates etc.—Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be and has in consequence paid too low a court-fee thereon, the Board of Revenue for the local area in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time some particular part of the estate belonging to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

29. Administrator to give proper security before letters stamped under section 28.—In case of letters of administration on which too low a court-fee has been paid at first the said Authority shall not cause the same to

be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased has been then ascertained.

30. *Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of under payment*—Where two or more court-fees have been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten per cent. on the amount of the sum wanting to make up the proper court-fee.

31. *Notice of applications for probate or letters of administration to be given to Revenue-authority and procedure thereon.*—Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the collector.

(2) Where such an application as aforesaid is made to the High Court, shall cause notice of the application to be given to the Board of Revenue for the local area in which the High Court is situated.

(3) The Collector within the local limits of whose Revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property:

provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 317 of the Indian Succession Act, 1925. (39 of 1925.)

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence

so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Board of Revenue of any application under section 28.

(8) The State Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

32. Payment of court fees in respect of probates and letters of administration.—(1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in Schedule III, and the Court is satisfied that the fee mentioned in No. 10 of Schedule I has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under sub-section (4) of section 31.

33. Recovery of penalties, etc.—(1) Any excess fee found to be payable on an inquiry held under sub-section (6) of section 31, and any penalty or forfeiture under section 30, may, on the certificate of the Board of Revenue, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector.

(2) The Board of Revenue may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 28 or of any court-fee under section 28 in excess of the full court-fee which ought to have been paid.

34. Section 42 not to apply to probates or letters of administration.—Nothing in section 42 shall apply to probates or letters of administration.

CHAPTER V

Process-fees

35. Rules as to cost of processes.—(1) The High Court shall, as soon as may be, make rules as to the following matters:—

(i) the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;

(ii) the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and

(iii) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

(2) The High Court may from time to time alter and add to the rules so made.

(3) **Confirmation and publication of rules.**—All such rules, alterations and additions shall after being confirmed by the State Government be published in the *Official Gazette*, and shall thereupon have the force of law.

36. Tables of process fees.—A table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

37. Number of peons in district and subordinate Courts.—Subject to rules to be made by the High Court and approved by the State Government, every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his

Court and each of the courts subordinate thereto.

Explanation:—Number of peons in Mofussil Small Causes Courts.—For the purposes of this section, every court of Small Causes established under the Provincial Small Cause Courts Act, 1887 (9 of 1887.) shall be deemed to be subordinate to the Court of the District Judge.

38. *Number of peons in Revenue Courts*—Subject to rules to be framed by the Board of Revenue and approved by the State Government, every officer performing the functions of a Collector of a district shall fix and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

CHAPTER VI of the mode of levying fees.

39. *Collection of fees by stamps.*—All fees referred to in section 3 and chargeable under this Act shall be collected by stamps.

40. *Stamps to be impressed or adhesive.*—The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive, or partly impressed and partly adhesive, as the State Government may, by notification in the *Official Gazette* from time to time, direct.

41. *Rules for supply, number, renewal and keeping accounts of stamps.*
(1) The State Government may, from time to time, make rules for regulating—

- (a) the supply of stamps to be used under this Act;
- (b) the number of stamps to be used for denoting any fee chargeable under this Act;
- (c) the renewal of damaged or spoiled stamps; and
- (d) the keeping of accounts of all stamps used under this Act:

Provided that, in the case of stamps used in the High Court, such rules shall be made with the concurrence of the Chief Justice of that Court.

(2) All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

42. *Stamping documents inadvertently received.*—(1) No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

(2) But, if any document is through mistake or inadvertence received filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of the High Court, any Judge of such Court may, if he thinks fit, order that such document be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

43. *Amended document.*—Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

44. *Cancellation of stamp.*—(1) No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled

(2) Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by

punching shall be burnt or otherwise destroyed.

CHAPTER VII MISCELLANEOUS.

45. *Sale of stamps.*—(1) The State Government may, from time to time, make rules for regulating the sale of, and the particulars to be entered at the time of sale of, stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

(2) All such rules shall be published in the *Official Gazette* and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamps, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

46. *Enlargement of time*—Where any period is fixed or granted by the Court for doing of any act prescribed or allowed by this Act, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.

47. *Power to suspend, reduce or remit fees.*—(1) The State Government may, from time to time, subject to such conditions or restrictions as it may think fit to impose, by notification in the *Official Gazette*, suspend the payment of or reduce or remit, in the whole of West Bengal or in any part thereof, all or any of the fees mentioned in Schedules I and II to this Act and may in like manner cancel or vary such order.

(2) The State Government may, from time to time by rules, prescribe the manner in which any fee the payment of which is suspended under sub-section (1) may be realised and for this purpose direct that such fee may be recovered as a public demand.

48. *Saving of fees to certain officers of High Court.*—Nothing in Chapters II and VI of this Act applies to the Commission payable to the Accountant-General of the High Court or to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

49. *Continuance in force of the existing rules.*—Until rules are framed under sections 9, 35, 41, 45 and sub-section (2) of section 47 and until notifications are issued under sub-section (1) of section 47, the rules and notifications in force on the date of commencement of the Act in respect of matters referred to in those sections shall, in so far as they are not inconsistent with this Act, continue.

50. *Repeal and savings.*—(1) The Court-fees Act, 1870 (7 of 1870) in its application to the State of West Bengal and in relation to the fees and stamps other than fees and stamps relating to documents presented or to be presented before an officer serving under the Central Government is hereby repealed.

(2) All suits and proceedings instituted before the commencement of the West Bengal Court-fees Ordinance, 1969, (West Ben. Ord. XVII of 1969.) in all proceedings by way of appeal revision or otherwise arising therefrom whether instituted before or after such commencement shall, notwithstanding the repeal of the Court-fees Act, 1870, be governed by the provisions of the said Act and the rules made thereunder.

(3) The West Bengal Court-fees Ordinance, 1969, is hereby repealed.

(4) Anything done or any action taken under the West Bengal Court-fees Ordinance, 1969, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 10th day of January, 1970.

SCHEDULE I

Ad valorem fees

Number		Proper Fees
	When the amount or value of the subject-matter in dispute does not exceed seventy-five rupees, for every five rupees or part thereof of such amount or value,	Forty paise
	and	
	when such amount or value exceeds seventy-five rupees, for every five rupees or part thereof in excess of seventy-five rupees, up to one hundred rupees,	Fifty paise
	and	
	when such amount or value exceeds one hundred rupees for every ten rupees or part thereof, in excess of one hundred rupees, up to one hundred and fifty rupees,	One rupee and sixty-five paise.
	and	
	when such amount or value exceeds one hundred and fifty rupees; for every ten rupees or part thereof, up to one thousand rupees,	One rupee and fifteen paise.
	and	
	when such amount or value exceeds one thousand rupees, for every one hundred rupees or part thereof, in excess of one thousand rupees, up to seven thousand five hundred rupees,	Seven rupees and fifty paise.
	and	
1. Plaint written statement pleading a set-off or counter claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to the High Court or any Civil or Revenue Court except the Court mentioned in section 3.	when such amount or value exceeds seven thousand five hundred rupees, for every two hundred and fifty rupees or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees,	Fifteen rupees.
	and	
	when such amount or value exceeds ten thousand rupees, for every five hundred rupees or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees,	Twenty-two rupees and fifty paise.
	and	
	when such amount or value exceeds twenty thousand rupees, for every one thousand rupees or part thereof, in excess of twenty thousand rupees up to fifty thousand rupees,	Thirty rupees.
	and	
	when such amount or value exceeds fifty thousand rupees, for every five thousand rupees,	Thirty-seven rupees and

Number	Proper Fees
1	and rupees or part thereof in excess of fifty thousand rupees : Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees.
2. (a) Petition under section 26 of the Provincial Insolvency Act, 1920 (5 of 1920), or application under section 95 of the Code of Civil Procedure, 1908 (5 of 1908).	An amount of the half the scale of fee prescribed in article I on the amount or compensation claimed.
(b) appeal against order on a petition or application falling under clause (a).	On the scale prescribed under article I on the amount in dispute.
3. (a) Petition under sections 43 and 54 of the Provincial Insolvency Act, 1920,	An amount of one-half of the scale of fee prescribed in article 1 on the market value of the subject-matter subject to a maximum fee of rupees five hundred.
(b) appeal against order on a petition falling under clause (a) whether by the Official Receiver or by the unsuccessful party.	An amount of one-half of the scale of fee prescribed in article 1 on the market value of the subject matter subject to a maximum fee of rupees five hundred.
4. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	The fee leviable on the plaint or memorandum of appeal.
5. Application for review of judgment, if presented before the ninetieth day from the date of the decree	One half of the fee leviable on the plaint or memorandum of appeal.
6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than the High Court or by the presiding officer of any Revenue Court or office, or by any other judicial or Executive Authority— (a) If the amount or value of the subject matter is fifty or less than fifty rupees. Forty paise. (b) If such amount or value exceeds fifty rupees. Seventy-five paise. When such judgment or order is passed by the High Court. One rupee and fifty paise.
7. Copy of a decree or order having the force of a decree	When such decree or order is made by any Civil Court other than the High Court, or by any Revenue Court— (a) If the amount or value of the subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees. Fifty paise.

Number		Proper Fee
	(b) If such amount or value exceeds fifty rupees	One rupee.
	When such decree or order is made by the High Court	Four rupees.
8	Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899 (2 of 1899), when left by any party to a suit or proceeding in place of the original withdrawn	(a) When the stamp-duty chargeable on the original does not exceed fifty paise The amount of the duty chargeable or the original. (b) In any other case Fifty paise.
9	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any Chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words Fifty paise.
	When the amount or the value of the property in respect of which the grant of probate or letters of administration is made, exceeds two thousand rupees, on such amount or value up to ten thousand rupees,	Two per centum.
	and	
	when such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees, up to fifty thousand rupees,	Three per centum.
	and	
	when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees, up to a lakh of rupees,	Four per centum.
	and	
	when such amount or value exceeds a lakh of rupees on the portion of such amount or value which is in excess of a lakh of	Five per centum.

Number	Proper Fee
10 Probate of a will or letters of administration with or without will annexed	rupees, up to two lakhs and fifty thousand rupees, and when such amount or value exceeds two lakhs and fifty thousand rupees on the portion of such amount which is in excess of two lakhs and fifty thousand rupees up to three lakhs of rupees, and when such amount or value exceeds three lakhs of rupees, on the portion of such amount which is in excess of three lakhs of rupees, up to four lakhs of rupees, and when such amount or value exceeds four lakhs of rupees, on the portion of such amount which is in excess of four lakhs of rupees, up to five lakhs of rupees, and when such amount or value exceeds five lakhs of rupees, on the portion of such amount which is in excess of five lakhs of rupees: Provided that when, after the grant of certificate under the Indian Succession Act, 1925 (39 of 1925), in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.
11 Certificate under the Indian Succession Act, 1925	When the amount or value of any debt or security specified in the certificate under section 374 of the Act exceeds one thousand rupees, Two per-centum on the first ten thousand rupees, three per centum on the next forty thousand rupees,

Num-
ber

Proper Fee

four per centum on the next fifty thousand rupees, and five per centum on the next one lakh and fifty thousand rupees,

and

when the aggregate amount or value of any debts or securities specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act, exceeds one thousand rupees

five and a half per centum on the next fifty thousand rupees, six per centum on the next one lakh of rupees, six and a half per centum on the next one lakh of rupees, and seven per centum on the remainder of such amount or value.

In respect of such portion of the aggregate amount or value as consists of the amount or value of debts or securities so specified, the fee hereinbefore provided in that behalf in this article, and

three per centum on such portion of the first ten thousand rupees,

four and a half per centum on such portion of the next forty thousand rupees,

six per centum on such portion of the next fifty thousand rupees, and

seven and a half per centum on such portion of the next one lakh and fifty thousand rupees,

eight and a quarter per centum on such portion of the next fifty thousand rupees,

nine per centum on such portion of the next one lakh of rupees,

nine and three quarters per centum on such portion of the next one lakh of rupees, and

ten and a half per centum on such portion of the remainder of such aggregate amount or value as consists of the amount or value of debts or securities to which the certificate has been extended.

Note.—(1) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in certificate has been conferred, under the Act and where such a power has been so conferred, whether the power is for the

Number

Proper Fee

receiving of interest or dividends on, or for the negotiation or transfer of the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for so far as such value can be ascertained.

Plaint presented with an originating summons under the Rules of the High Court at Calcutta (Original side) 1914.

... The fee leviable on a plaint in a suit for the same relief, subject to a minimum fee of thirty rupees.

Table of rates of ad valorem fees leviable on the institution of suits
When the amount or value of the subject-matter exceeds— But does not exceed— Proper Fee

Rs.	Rs.	Rs. P.
...	5	0 40
5	10	0 75
10	15	1 15
15	20	1 50
20	25	1 90
25	30	2 25
30	35	2 65
35	40	3 00
40	45	3 40
45	50	3 75
50	55	4 15
55	60	4 50
60	65	4 90
65	70	5 25
70	75	5 65
75	80	6 15
80	85	6 55
85	90	7 15
90	95	7 65
95	100	8 15
100	110	9 75
110	120	11 40
120	130	13 00
130	140	14 65
140	150	16 25
150	160	18 00
160	170	19 15
170	180	20 25
180	190	21 40
190	200	22 50
200	210	23 55
210	220	24 75
220	230	25 90
230	240	27 00
240	250	28 15
250	260	29 25
260	270	30 40
270	280	31 50
280	290	32 65
290	300	33 75
300	310	34 90
310	320	36 00
320	330	37 15
330	340	38 25
340	350	39 40
350	360	40 50
360	370	41 65

When the amount or value of the sub- ject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. P.
370	380	42.75
380	390	43.90
390	400	45.00
400	410	46.15
410	420	47.25
420	430	48.40
430	440	49.50
440	450	50.65
450	460	51.75
460	470	52.90
470	480	54.00
480	490	55.15
490	500	56.25
500	510	57.40
510	520	58.50
520	530	59.65
530	540	60.75
540	550	61.90
550	560	63.00
560	570	64.15
570	580	65.25
580	590	66.40
590	600	67.50
600	610	68.65
610	620	69.75
620	630	70.90
630	640	72.00
640	650	73.15
650	660	74.25
660	670	75.40
670	680	76.50
680	690	77.65
690	700	78.75
700	710	79.90
710	720	81.00
720	730	82.15
730	740	83.25
740	750	84.40
750	760	85.50
760	770	86.65
770	780	87.75
780	790	88.90
790	800	89.00
800	810	91.15
810	820	92.25
820	830	93.40
830	840	94.50
840	850	95.65
850	860	96.75
860	870	97.90
870	880	99.00
880	890	100.15
890	900	101.25
900	910	102.40
910	920	103.50
920	930	104.65
930	940	105.75
940	950	106.90
950	960	108.00
960	970	109.15
970	980	110.25
980	990	111.40
990	1,000	112.50

When the amount, or value of the sub- ject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. P.
1,000	1,100	120.00
1,100	1,200	127.50
1,200	1,300	135.00
1,300	1,400	142.50
1,400	1,500	150.00
1,500	1,600	157.50
1,600	1,700	165.00
1,700	1,800	172.50
1,800	1,900	180.00
1,900	2,000	187.50
2,000	2,100	195.00
2,100	2,200	202.50
2,200	2,300	210.00
2,300	2,400	217.50
2,400	2,500	225.00
2,500	2,600	232.50
2,600	2,700	240.00
2,700	2,800	247.50
2,800	2,900	255.00
2,900	3,000	262.50
3,000	3,100	270.00
3,100	3,200	277.50
3,200	3,300	285.00
3,300	3,400	292.50
3,400	3,500	300.00
3,500	3,600	307.50
3,600	3,700	315.00
3,700	3,800	322.50
3,800	3,900	330.00
3,900	4,000	337.50
4,000	4,100	345.00
4,100	4,200	352.50
4,200	4,300	360.00
4,300	4,400	367.50
4,400	4,500	375.00
4,500	4,600	382.50
4,600	4,700	390.00
4,700	4,800	397.50
4,800	4,900	405.00
4,900	5,000	412.50
5,000	5,100	420.00
5,100	5,200	427.50
5,200	5,300	435.00
5,300	5,400	442.50
5,400	5,500	450.00
5,500	5,600	457.50
5,600	5,700	465.00
5,700	5,800	472.50
5,800	5,900	480.00
5,900	6,000	487.50
6,000	6,100	495.00
6,100	6,200	502.50
6,200	6,300	510.00
6,300	6,400	517.50
6,400	6,500	525.00
6,500	6,600	532.50
6,600	6,700	540.00
6,700	6,800	547.50
6,800	6,900	555.00

When the amount or value of the sub- ject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. P.
6,900	7 000	562.50
7,000	7,100	570.00
7,100	7,200	577.50
7,200	7,300	585.00
7,300	7,400	592.50
7,400	7,500	600.00
7,500	7,750	615.00
7,750	8,000	630.00
8,000	8,250	645.00
8,250	8,500	660.00
8,500	8,750	675.00
8,750	9,000	690.00
9,000	9,250	705.00
9,250	9,500	720.00
9,500	9,750	735.00
9,750	10,000	750.00
10,000	10,500	772.50
10,500	11,000	795.00
11,000	11,500	817.50
11,500	12,000	840.00
12,000	12,500	862.50
12,500	13,000	885.00
13,000	13,500	907.50
13,500	14,000	930.00
14,000	14,500	952.50
14,500	15,000	975.00
15,000	15 500	997.50
15,500	16,000	1,020.00
16,000	16,500	1,042.50
16,500	17,000	1,065.00
17,000	17,500	1,087.50
17,500	18,000	1,110.00
18,000	18,500	1,132.5
18,500	19,000	1,155.00
19,000	195,00	1,177.50
19,500	20,000	1,200.00
20,000	21,000	1,230.00
21,000	22,000	1,260.00
22,000	23,000	1,290.00
23,000	24,000	1,320.00
24,000	25,000	1,350.00
25,000	26,000	1,380.00
26,000	27,000	1,410.00
27,000	28,000	1,440.00
28,000	29,000	1,470.00
29,000	30,000	1,500.00
30,000	31,000	1,530.00
31,000	32,000	1,560.00
32,000	33,000	1,590.00
33,000	34,000	1,620.00
34,000	35,000	1,650.00
35,000	36,000	1,680.00
36,000	37,000	1,710.00
37,000	38,000	1,740.00
38,000	39,000	1,770.00
39,000	40,000	1,800.00
40,000	41,000	1,830.00
41,000	42,000	1,860.00
42,000	43,000	1,890.00

When the amount or value of the sub- ject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. P.
43,000	44,000	1,920.00
44,000	45,000	1,950.00
45,000	46,000	1,980.00
46,000	47,000	2,010.00
47,000	48,000	2,040.00
48,000	49,000	2,070.00
49,000	50,000	2,100.00
50,000	55,000	2,137.50
55,000	60,000	2,175.00
60,000	65,000	2,212.50
65,000	70,000	2,250.00
70,000	75,000	2,287.50
75,000	80,000	2,325.00
80,000	85,000	2,362.50
85,000	90,000	2,400.00
90,000	95,000	2,437.50
95,000	1,00,000	2,475.00
1,00,000	1,05,000	2,512.50
1,05,000	1,10,000	2,550.00
1,10,000	1,15,000	2,587.50
1,15,000	1,20,000	2,625.00
1,20,000	1,25,000	2,662.50
1,25,000	1,30,000	2,700.00
1,30,000	1,35,000	2,737.50
1,35,000	1,40,000	2,775.00
1,40,000	1,45,000	2,812.50
1,45,000	1,50,000	2,850.00
1,50,000	1,55,000	2,887.50
1,55,000	1,60,000	2,925.00
1,60,000	1,65,000	2,962.50
1,65,000	1,70,000	3,000.00
1,70,000	1,75,000	3,037.50
1,75,000	1,80,000	3,075.00
1,80,000	1,85,000	3,112.50
1,85,000	1,90,000	3,150.00
1,90,000	1,95,000	3,187.50
1,95,000	2,00,000	3,225.00
2,00,000	2,05,000	3,262.50

and the fees increases at the rate of thirty-seven rupees and fifty paise for every five thousand rupees, or part thereof, up to a maximum fee of ten thousand rupees, for example—

Rs.	Rs. P.
3,00,000	4,012.50
4,00,000	4,762.50
5,00,000	5,512.50
6,00,000	6,262.50
7,00,000	7,012.50
8,00,000	7,762.50
9,00,000	8,512.50
10,00,000	9,262.50
11,00,000	10,000.00

SCHEDULE II

Fixed Fees

Number	Proper Fee
1. Application or petition	Fifteen paise.
(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;	
Or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement, with Government and when the subject-matter of the application or petition relates exclusively to such engagement;	Fifteen paise.
Or when presented to any municipal Commissioner or member of a Zilla Parishad under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	Fifteen Paise.
Or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887 (9 of 1887); or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	Fifteen paise.
Or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office;	Fifteen paise.
(b) When containing a complaint or charge of any offence other than an offence for which police-officers may under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;	In the case of a complaint or charge of an offence presented to a Criminal Court one rupee, and in other cases seventy-five paise.

Number

Or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue-officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act ;

Proper Fee
In the case of a complaint or charge of an offence presented to a Criminal Court one rupee, and in other cases seventy-five paise.

Or to deposit in Court revenue or rent ;
Or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.

(c) When presented to the Board of Revenue or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act.

One rupee and fifty paise,

(d) For arrest or attachment before judgment or for temporary injunction—

(i) when presented to a Civil Court other than the High Court in relation to any suit or proceeding—

(1) if the value of the subject-matter is less than Rs. 50 ;

One rupee.

(2) if the value is Rs. 50 and above ;

Two rupees and fifty paise.
Five rupees.

(ii) when presented to the High Court.

(e) Under section 47 and Order XXI, rules 58 and 90 of the Code of Civil Procedure, 1908 (5 of 1908)—

(i) when filed in Revenue Court or in Munsif's Court;

One rupee.

(ii) when filed in the City Civil Court, Calcutta, a Subordinate Judge's Court or a District Court ;

Two rupees and fifty paise.

(iii) when filed in the High Court.

Five rupees.

(f) Under sections 34, 72, 73 and 74 of the Indian Trusts Act, 1882 (2 of 1882).

Five rupees.

(g) (i) For probate or letters of administration to have effect throughout India.

Twenty-five rupees.

(ii) Application for probate or letters of administration not falling under clause (i)—

(1) if the value of the estate does not exceed Rs. 1,000 :

Seventy-five paise,

(2) if the value exceeds Rs. 1,000

Five rupees.

Provided that if a caveat is entered and the application is registered as a suit, one-half the scale of fee prescribed in Article I of Schedule I on the market value of the estate less the fee already paid on the application shall be levied.

(h) Application under section 14 or section 20 of the Arbitration Act, 1940 (10

Number		Proper Fee.
	of 1940), for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign awards—	
	(i) when presented to a Munsif's Court ;	Fifteen rupees.
	(ii) when presented to the City Civil Court, Calcutta, a Subordinate Judge's Court, a District Court or the High Court—	
	(1) if the value of the subject-matter of the award does not exceed Rs. 5,000 ;	Fifteen rupees.
	(2) if such value exceeds Rs. 5,000 but does not exceed Rs. 10,000 ;	One hundred rupees.
	(3) if such value exceeds Rs. 10,000.	Two hundred and fifty rupees.
	(i) Petition to the High Court for the admission of an Advocate, Attorney or Vakil.	Twenty rupees.
	(j) When presented to the High Court under section 115 of the Code of Civil Procedure, 1908 (5 of 1908), for revision of an order—	
	(i) when the value of the suit to which the order relates does not exceed Rs. 1,000 ;	Five rupees.
	(ii) when the value of the suit exceeds Rs. 1,000	Ten rupees.
	(k) When presented to the High Court—	
	(i) for directions, orders or writs under article 226 of the Constitution of India for any purpose other than the enforcement of the fundamental rights conferred by Part III thereof ;	Twenty rupees.
	(ii) for directions, orders or writs under article 226 for the enforcement of any of the fundamental rights conferred by Part III of the Constitution of India or for the exercise of its jurisdiction under article 227 thereof ;	Twenty rupees.
	(iii) in any other case not otherwise provided for by this Act.	Two rupees.
2. Original petition not otherwise provided for.	When filed in—	
	(i) a Munsif's Court,	One rupee.
	(ii) the City Civil Court, Calcutta, a Subordinate Judge's Court or a District Court	Five rupees.
	(iii) the High Court	Twenty rupees.
3. Application to any Civil Court that records may be called for from another Court	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Seventy-five paise in addition to any fee levied on the application under clause (a), clause (b), or clause (d) of article 1 of this Schedule.

Number		Proper Fee.
4.	Application for leave to sue as a pauper. ...	Fifty paise.
5.	Application for leave to appeal as a pauper.	(a) When presented to a District Court. One rupee.
	(b) When presented to a Commissioner or the High Court. ...	Two rupees.
6.	Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy. ...	Fifty paise.
7.	Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure 1898 (5 of 1898), or the Code of Civil Procedure, 1908, (5 of 1908), and not otherwise provided for by this Act. ...	Fifty paise.
8.	Undertaking under section 49 of the Indian Divorce Act, 1869 (5 of 1869). ...	Fifty paise.
9.	Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party—	When presented for the conduct of any one case—
	(a) to any Civil or Criminal Court other than the High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (b) and (c) of this number,	One rupee.
	(b) to the Board of Revenue or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority,	One rupee and fifty paise.
	(c) to the High Court	Two rupees.

Number.		Proper Fee.
10.	Every copy of power-of attorney when filed in any suit or proceeding.	Seventy-five paise.
11.	Memorandum of appeal from an order inclusive of an order determining any question under section 47 or section 14* of the Code of Civil Procedure, 1908, (5 of 1908) and not otherwise provided for—	When presented—
	(i) to any Court other than the High Court or to any Executive Officer other than the Board of Revenue or Chief Executive Authority,	One rupee.
	(ii) to the Board of Revenue or Chief Executive Authority,	Two rupees.
	(iii) to the High Court—	
	(1) Where the order was passed by a Sub-ordinate Court or other authority—	
	(a) if the order relates to a suit or proceeding, the value of which exceeds one thousand rupees,	Ten rupees.
	(b) in any other case.	Five rupees.
	(2) Where the appeal is under clause 15 of the Letters Patent—	
	(a) from an order passed in exercise of appellate jurisdiction,	Ten Rupees.
	(b) from an order passed in exercise of original jurisdiction which would be appealable under the Code of Civil Procedure, 1908 had it been passed by a Subordinate Court,	Ten Rupees.
	(c) in any other case.	One hundred rupees.
	(3) Where the appeal is under section 45B of the Banking Companies Act, 1949 (10 of 1949).	One hundred rupees.
	(4) Where the appeal is under section 411A of the Code of Criminal Procedure 1898 (5 of 1898).	Five rupees.
	(iv) to the Government in pursuance of a statutory right to appeal for which	Five rupees.

Number.		Proper Fee.
	no court-fee is leviable under any other enactment.	
12. Memorandum of appeal under section 39 of the Arbitration Act, 1940 (10 of 1940).	(i) Where the appeal is from an order of a Munsif's Court, (ii) in any other case	Fifteen rupees. One hundred rupees.
13. Caveat	...	Ten rupees.
14. Application under Act No. X of 1859, section 26, or Bengal Act No. VI of 1862, section 9.	...	Five rupees.
15. Plaint or memorandum of appeal in each of the following suits :—		
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court,		Fifteen rupees.
(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates,	...	Fifteen rupees.
(iii) to obtain a declaratory decree where no consequential relief is prayed,	...	Twenty rupees.
(iv) to set aside an award,	...	Fifteen rupees.
(v) to set aside an adoption,	...	Twenty rupees.
(vi) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.	...	Fifteen rupees.
16. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908).	(i) when presented to any court subordinate to the High Court, (ii) when presented to the High Court.	Ten rupees. One hundred rupees.
17. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866 (21 of 1866).	...	Five rupees.
18. Every petition under the Indian Divorce Act, 1869 (4 of 1869)	...	Twenty rupees.

Number.		Proper Fee.
except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.		.
19. Every petition for restitution of conjugal rights, judicial separation, divorce or divorce by mutual consent under the Special Marriage Act, 1954 (43 of 1954) and every memorandum of appeal under section 39 of the same Act.	...	Five rupees.
20. Every petition for restitution of conjugal rights, judicial separation or divorce under the Hindu Marriage Act, 1955 (25 of 1955) and every memorandum of appeal under section 28 of the same Act.	...	Five rupees.
21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865 (15 of 1865)	...	Tewenty rupees.
22. Petitions under the Indian Christian Marriage Act, 1872 (15 of 1872)	...	Two rupees.
23. Plaint or memorandum of appeal when presented to a Court under the Indian Colonial Divorce Jurisdiction Act, 1926	...	Fifty rupees.
24. Plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriages Act, 1939 (8 of 1939).	...	Ten rupees.
25. Petition—(a) questioning the election of any person as a Municipal Commissioner, when presented to a District Judge under section 36 of the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), or to the Chief Judge, Small Cause Court of Calcutta under section 73 of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), or to the District Judge, Howrah under the same section of the same Act as amended by the Howrah Municipal Act, 1965 (West Ben. Act XVII of 1965).	...	Fifteen rupees.

Number.	Proper Fee.
(b) Questioning the validity of an election under the West Bengal Zilla Parishads Act, 1963 (West Ben. Act XXXV of 1963) when presented to a District Judge under section 102 of the said Act to decide dispute relating to such elections	... Fifteen rupees.
26. Application or petition to the Court under sections 391, 439 or 522 of the Companies Act 1956 (1 of 1956).	... Fifty rupees.
Any other application or petition to the Court for judicial action or relief under the said Act, not otherwise provided for under this Act.	... Ten rupees.

SCHEDULE III.

ANNEXURE A

Valuation Of The Movable And Immovable Property
Of, Deceased.

Ra. P.

Cash in the house and at the banks, household goods, wearing-apparel, books, plate, jewels, etc.

(State estimated value according to best of Executor's or Administrator's belief.)

Property in Government securities transferable at the Public Debt Office.

(State description and value at the price of the day; also the interest separately, calculating it to the time of making the application.)

Immovable property consisting of

(State description, giving, in the case of houses, the assessed value, if any, and the number of year's assessment the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued.)

Leasehold property

(If the deceased held any leases for years determinable, state the number of year's purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.)

Property in public companies

(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application.)

Policy of insurance upon life, money paid on mortgages, and other securities, such as bonds, mortgages, bills, notes and other securities for money.

(State the amount of the whole; also the interest separately, calculating it to the time of making the application.)

Book debts

(Other than bad.)

Stock in trade

(State the estimated value, if any.)

Other property not comprised under the foregoing heads

(State the estimated value, if any.)

Total ...

Deduct—amount shown in Annexure B not subject to duty ...

Net Total ...

PART X

Notifications—West Bengal Government and Calcutta High Court

—: o :—

Published in the *Calcutta Gazette*, Ext., Part I, No. 783, dated
November 4, 1969/Kartika 13, 1891.

FINANCE DEPARTMENT

No. 4668 F.—4th November, 1969.—In exercise of the power conferred by the Explanation to section 25 of the **Negotiable Instruments Act, 1881** (XXVI of 1881), read with the Government of India, Ministry of Home Affairs, Notification No. 20/25/56-Pub. (1), dated the 8th June, 1957, the Governor is pleased to declare the following days to be public holidays during the year 1970 :—

New Year's Day	1st January
Netaji's Birthday	23rd January
Republic Day	26th January
Sree Panchami	10th February
Id-uz-Zoha	17th February
Muharram	19th March
Doljatra	23rd March
Good Friday	27th March
Bengali New Year's Day	15th April
May Day	1st May
*Half-yearly Closing of Banks' Accounts	30th June
Independence Day	15th August
Janmastami	24th August
Mahalaya	30th September
Gandhiji's Birthday	2nd October
Durga Puja	7th October
	8th October
	9th October
	10th October
Lakshmi Puja	14th October
Ka i Puja	29th October
Guru Nank's Birthday	13th November
Id-ul-Fitr	1st December
Christmas Day	25th December
*Yearly Closing of Banks' Accounts	31st December

Note.—

(a) Sundays are public holidays under the Negotiable Instruments Act.

(b) If any of the Muslim festivals mentioned above does not fall on the day notified, the Muslim Government servants may be granted a sectional holidays on the day on which the festival is actually observed, in addition to the holiday on the day notified.

*Government offices other than Treasuries and Sub Treasuries should remain open on the 30th June, 1970 and 31st December, 1970 which have been declared as holidays under the Negotiable Instruments Act in Notification No. 4661-F., dated the 4th November, 1969.

No. 4669-F.—4th November, 1969.—The Governor is pleased to notify that on the following days during 1970, which are not declared to be "Public Holidays", the offices under the Government of West Bengal with the exceptions of the office of the Registrar of Assurances, Calcutta, and the Office of the Collector of Stamp Revenue, Calcutta, shall be closed :—

Chaitra Sankranti	14th April
Birthday of Rabinranath	9th May
Fateahduzzaham (Prophet's birthday)	18th May
Durga Puja	12th October
	13th October
Lakshmi Puja (2nd day)	15th October

No. 4670-F.—4th November, 1969.—The Governor is pleased to declare that the following days may be observed as sectional holidays for employees of different communities mentioned against each :—

Easter Saturday (for Christians only).	28th March
Buddha Purnima (for Buddhists only).	21st May

Note.—

(a) The Sikh Festival Baisakhi will be notified as a sectional holiday for the Sikhs after the date of observance is known.

(b) Mahavir Jayanti (for Jains only) falls on Sunday, the 19th April, 1970.

Published in the *Calcutta Gazette*, Part, I No. 833, dated November 27, 1969/Agrahayana 6, 1891.

LAND AND LAND-REVENUE DEPARTMENT

No. 20643-L.Ref./2A-59/69.—26th November 1969.—In exercise of the power conferred by sub-section (3) of section 1 of the **West Bengal Land Reforms Act, 1955** (West Bengal Act X of 1956), the Governor is pleased hereby to specify the 1st day of December 1969, as the date on which the following provisions of the said Act shall come into force in all the areas transferred from Bihar to West Bengal under the Bihar and West Bengal (Transfer of Territories) Act, 1956 (Act 40 of 1956), namely:—

Section 16A, clause (aa) of sub-section (1) of section 18 and sub-section (3A) of section 18.

Published in the *Calcutta Gazette*, Part I, No. 862, dated December 9, 1969/Agrahayana 18, 1891.

JUDICIAL DEPARTMENT

No. 12937 J.—9th December 1969.—In exercise of the powers conferred by sub-section (3) of section 1 of the **West Bengal Separation of Judicial and Executive Functions Act, 1968** (President's Act 8 of 1968), the Governor is pleased hereby to appoint the 17th day of December, 1969 as the date on which the provisions of the said Act, other than the provisions which have already come into force, shall come into force in the district of Murshidabad.

Published in the *Calcutta Gazette*, Ext., Part I, No. 824, dated November 26, 1969/Agrahayana 5, 1891.

JUDICIAL DEPARTMENT

No. 12463-J.—26th November 1969.—In pursuance of the provisions of sub-section (2) of section 1 of the **Presidency Small Cause Courts (West Bengal Amendment) Act 1969** (West Bengal Act XXXII of 1969), the Governor is pleased hereby to appoint the 1st day of December 1969, as the date on which the said Act shall come into force.

Published in the *Calcutta Gazette*, Ext., Part I, No. 807, dated November 15, 1969/Kartika 24, 1891.

FINANCE DEPARTMENT

No. 4536 F.T.—14th November 1969.—In pursuance of the provisions of sub-section (2) of section 1 of the **Bengal Finance (Sales Tax) (Amendment) Ordinance, 1969** (West Bengal Ordinance No. XIV of 1969), the Governor is pleased hereby to appoint the 15th November 1969, as the date on which all the provisions of the said Ordinance shall come into force.

Published in the *Calcutta Gazette*, Part I, dated December 11, 1969.

ORDERS AND NOTIFICATIONS BY THE HIGH COURT AT CALCUTTA AND THE CHIEF JUSTICE

No. 10860E.—26th November 1969.—In exercise of the powers conferred by section 34(1) of the Advocates Act, 1961, the High Court at Calcutta is pleased to make the following rules laying down the conditions subject to which an Advocate shall be permitted to practise in the High Court and the courts subordinate to it:—

1. In these rules, unless there is anything repugnant in the subject or context, the word “advocate” shall include a partnership or a firm of advocates and the word “solicitor” a partnership of firm of solicitors.

2. Save as otherwise provided in any law for the time being in force, no advocate or solicitor, as the case may be, shall be entitled to appear, plead or act for any person in any Court in any proceeding unless the advocate files an appointment or the solicitor files a warrant of attorney in writing signed by such person or his recognised agent or by some other person duly authorised by or under a power of attorney in that behalf, and signed by the advocate or the solicitor, as the case may be, in token of its acceptance:

Provided that where an advocate has already filed an appointment or a solicitor has filed a warrant of attorney in any proceeding, it shall be sufficient for another advocate, who is engaged to appear in the proceedings merely for the purposes of pleading, to file a memorandum of appearance or to declare before the Court that he appears on instructions from the advocate who has already filed his appointment or from the solicitor who has already filed a warrant of attorney in the proceeding.

Provided further that nothing herein contained shall apply to an advocate who has been requested by the Court to assist the Court *amicus curie* in any case or proceeding.

3. An advocate who is not on the Roll of Advocates of the Bar Council of the State in which the Court is situate, shall not act in such Court, unless he files an appointment along with an advocate who is on the Roll of such State Bar Council and who is ordinarily practising in such Court.

4. The acceptance of an appointment on behalf of a firm or partnership of advocates or solicitors, as the case may be, shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership.

5. An advocate or a solicitor, as the case may be, at the time of acceptance of his appointment or warrant of attorney, shall also endorse on it his address which address shall be regarded as one for service within the meaning of rule 5 of Order 3 of the Code of Civil Procedure:

Provided that where more than one advocate or solicitor accept the appointment or warrant of attorney, it shall be sufficient for one of them to endorse his address, which address shall be regarded as one for service within the meaning of rule 5 of Order 3, C. P. Code.

6. (1) In civil cases, the appointment of an advocate, or solicitor, as the case may be, unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by rule 4 of Order 3 of the Code of Civil Procedure.

(2) In criminal cases, the appointment of an advocate or solicitor, as the case may be, unless otherwise limited, shall be deemed to be in force until determined with the leave of the Court by writing signed by the party or the advocate, or the solicitor, as the case may be, and filed in Court or until the party or the advocate or the solicitor dies, or until all proceedings in the case are ended so far as regard the particular party.

(3) For the purposes of sub-rule (2), a case shall be deemed to mean every kind of enquiry, trial or proceeding before a Criminal Court whether instituted on a police report or otherwise and further—

(i) an application for bail or reduction, enhancement or cancellation of bail in the case,

(ii) an application for transfer of the case from one Court to another.

(iii) an application for stay of the case pending disposal of civil proceeding in respect of the same transaction out of which the case arises,

(iv) an application for suspension, postponement or stay of the execution of the order or sentence passed in the case,

(v) an application for the return, restoration or restitution of the property as per the order of disposal of property passed in the case,

(vi) an application for leave to appeal against an order of acquittal passed in the case,

(vii) any appeal or application for revision against any order or sentence passed in the case,

(viii) a reference arising out of the case,

(ix) an application for review of an order or sentence passed in the case or in appeal, reference or revision arising out of the case,

(x) an application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case,

(xi) an application relating to or incidental to or arising in or out of any appeal; reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court).

(xii) any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in the case or any of the proceedings mentioned hereinbefore,

(xiii) any application or act for obtaining the withdrawal or the refund or payment of or out of the moneys paid or deposited in the Court

(2) Any person aggrieved by rejection of his specified forest produce by an authorised officer or agent under proviso to sub-section (1), may, within fifteen days therefrom, refer the matter to the Divisional Forest Officer, or such other officer who may be empowered by the State Government in this behalf, having jurisdiction over the unit in which the specified forest produce has been grown or found.

(3) On receipt of a complaint under sub-section (2) the Divisional Forest Officer or such other officer, as the case may be, shall hold an enquiry in the prescribed manner and after hearing the parties concerned shall pass such orders as he may deem fit and in case he finds the rejection of the specified forest produce to be improper, he may—

(a) if he considers the specified forest produce in question still suitable for the manufacture in which such specified forest produce is used or for trade direct the authorised officer or agent, as the case may be to purchase the same and may also award to the person aggrieved such further compensation not exceeding twenty per centum of the price of the specified forest produce payable to him as he may deem fit.

(b) if he considers that the produce in question has since become unsuitable for the manufacture in which such specified forest produce is used or for trade, direct the payment to the person aggrieved of any amount not less than the price of such produce payable to him under sub-section (1) and such further compensation not exceeding twenty per centum of such price as he may deem fit by way of damages for the loss suffered by such person.

(4) Nothing in this section shall be construed so as to debar the appropriation of the produce offered for sale if the State Government or their authorised officer or the agent has reason to believe that the produce appertain to forests or lands belonging to the State Government and paying only such collection charges, if any, as the State Government may from time to time determine:

Provided that in case of any dispute the Divisional Forest Officer or such other officer who may be specifically empowered in this behalf as specified in sub-section (2) shall hear and dispose of the same in the manner provided therein.

10. *Registration*—Every grower of specified forest produce shall if the quantity of a specified forest produce grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in the prescribed manner.

11. *Registration of manufacturers, traders and consumers of specified forest produce.*—(1) Every manufacturer who uses any specified forest produce as a raw material and every trader or a consumer whose annual use, requirement or consumption, as the case may be exceeds such quantity as may be prescribed, shall get himself registered within such period, on payment of such fee and in such manner as may be prescribed.

(2) Every such manufacturer, trader or consumer shall submit such declarations, accounts and returns and in such forms and to such officer and at such intervals as may be prescribed.

12. *Disposal of specified forest produce.*—Specified forest produce purchased by the State Government or by its officer or agent under this Act shall be sold or otherwise disposed of in such manner as the State Government may direct.

13. *Retail sale of specified forest produce.*—(1) No person shall engage himself in retail sale of a specified forest produce except under a licence granted under this section.

(2) The State Government may, for the purpose of facilitating retail sale of a specified forest produce within the State, grant licences to as many persons as it may deem fit.

(3) Any person who desires to engage himself in retail sale of a specified forest produce shall make an application in such form, to such authority and in such manner as may be prescribed.

(4) The prescribed authority may, on receiving such application, and on payment of such fee as may be prescribed, grant or renew a licence subject to such terms and conditions as may be prescribed.

14. *Delegation of Powers.*—The State Government may by order, delegate any of its powers or functions under this Act or the rules made thereunder to any officer or authority not below the rank of an Assistant Conservator of Forests who shall exercise or perform the same, subject to such conditions and restrictions as the State Government may specify in the order.

15. *Power of entry search, seizure, etc.*—(1) Any Police Officer not below the rank of an Assistant Sub-Inspector or any other person authorised by the State Government may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfying himself that the said provisions have been complied with—

(i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of specified forest produce;

(ii) enter and search any place;

(iii) seize the specified forest produce in respect of which he suspects that any provision of this Act or the rules made thereunder has been, is being or is about to be contravened along with receptacle containing such produce, or the vehicles or boats used in carrying such produce.

(2) The provisions of section 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

16. *Penalty.*—If any person contravenes any of the provisions of this Act or the rules made thereunder—

(a) he shall be punishable with imprisonment which may extend to one year or with fine which may extend to five hundred rupees or with both;

(b) the specified forest produce in respect of which such contravention has been made or such part thereof as the court may deem fit shall be forfeited to the Government;

Provided that if the Court is of the opinion that it is not necessary to direct forfeiture in respect of the whole, or as the case may be, any part of the specified forest produce it may, for reasons to be recorded, refrain from doing so.

17. *Attempts and abetment.*—Any person who attempts to contravene or abets the contravention of any provision of this Act or the rules made thereunder shall be deemed to have contravened such provision.

18. *Cognizance of offences.*—No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by any Forest Officer not below the rank of a Divisional Forest Officer or by any other officer as may be authorised by the State Government in this behalf.

19. *Composition of offences.*—(1) The State Government may, by notification, empower a Forest Officer—

(a) to accept from any person against whom a reasonable suspicion

exists that he has committed an offence punishable under this Act, a sum of money by way of compensation for the offence which such person is suspected to have committed; and

(b) when any property other than a specified forest produce has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value or both as the case may be, to such officer, the suspected persons shall be discharged the property, other than the specified forest produce, if any, seized shall be released and no further proceedings shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Divisional Forest officer and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of one thousand rupees.

20. *Savings in respect of acts done in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against any person for any things which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or by anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

21. *Power to make rules.*—The State Government may, subject to the condition of previous publication, make rules to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to generality of the foregoing power such rules may provide for all or any of the following matters namely:—

(a) the terms, conditions and the procedure for appointment of agents under section 4;

(b) (i) the quantity of specified forest produce which may be transported by a consumer under section 5 (2) (b);

(ii) the terms and conditions of a permit subject to which specified forest produce may be transported the authority by which and the manner in which such permit shall be issued under section 5 (2)(c);

(c) (i) the manner of conduct of business of the committee under section 6 (3);

(ii) the allowances to which the members of the Committee shall be entitled under section 6 (4);

(d) the publication of the price list under section 7;

(e) the manner of holding enquiry under section 9(3);

(f) (i) the prescription of quantity of specified forest produce under section 10;

(ii) the manner of registration under section 10;

(g) (i) prescription of the quantity of specified forest produce under sub-section (1) of section 11;

(ii) the period within which, the fee on payment of which and the manner in which the registration under sub-section (1) of section 11 shall be made;

(iii) declarations, accounts and returns which shall be submitted under sub-section (2) of section 11 and the form in which, the officer to whom and the intervals at which they shall be submitted;

(h) (i) the form in which the authority to whom and the manner in which an application under sub-section (3) of section 13 shall be made;

(ii) the fee for issue and renewal of a licence and the terms and conditions subject to which such licence shall be granted under sub-section (4) of section 13;

(i) any other matter which is either expressly or impliedly required to be prescribed under this Act.

(3) All rules made under this Act shall be laid on the table of the legislative assembly.

22. Indian Forest Act, 1927 and other laws not to apply to specified forest produce for purposes covered under Act.—(1) Nothing contained in the Indian Forest Act, 1927 (No. 16 of 1927) shall apply to specified forest produce in respect of matters for which provisions are contained in this Act.

(2) Nothing contained in any other law, rule, order or any other thing having a force of law in any region of the State shall apply to the specified forest produce in respect of matters for which provisions are contained in this Act.

23. Repeal.—The Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhyadesh, 1969 (9 of 1969) is hereby repealed.

Published in the *Madhya Pradesh Gazette*, Ext. No. 3, dated April 9 1970.

The University of Saugar (Amendment) Ordinance, 1970.

Madhya Pradesh Ordinance No. 1 of 1970.

Promulgated by the Governor in the Twenty-first Year of the Republic of India.

(First published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 9th April, 1970)

An Ordinance further to amend the University of Saugar Act, 1946.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the University of Saugar (Amendment) Ordinance, 1970.

(2) It shall come into force immediately on its publication in the Gazette.

2. *Amendment of section 11.*—For sub-section (1) of section 11 of the University of Saugar Act, 1946 (XVI of 1946), the following sub-section shall be substituted, namely :—

"(1) The Governor of Madhya Pradesh shall be ex-officio Chancellor of the University. He shall, by virtue of his office, be the Head of the University and the President of the Court and shall, when present preside at meetings of the Court and at any convocation of the University."

3. *Consequences which shall ensue.*—As from the date of coming into force of this Ordinance, the Chancellor in office immediately before the date aforesaid shall cease to hold office of the Chancellor and the Governor of Madhya Pradesh shall assume the said office.

BHOPAL :

Dated the 9th April, 1970.

K. C. REDDY,

Governor,

Madhya Pradesh.

in connection with the case or any of the proceedings, mentioned here-inbefore (including moneys paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court),

(xiv) any application for the refund of or out of the moneys paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf,

(xv) any application for expunging remarks or observations on the record of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and

(xvi) any application or proceeding for sanctioning prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, or any appeal or revision arising from and out of any order passed in such an application or proceedings,

shall be deemed to be proceedings in the case :

Provided that where the venue of the case or the proceedings is shifted from one Court (subordinate or otherwise) to another the advocate or the solicitor, as the case may be, filing the appointment or the warrant of attorney, referred to in sub rules (1) and (2) above, in the former Court, shall not be bound to appear, act or plead in the latter Court, unless he files or he has already filed a memorandum, signed by him, in the latter Court, that he has instructions from his client to appeal, act or plead, as the case may be, in that Court.

7. (1) Except when specially authorised by the Court or by consent of the party, an advocate, or a solicitor, who has advised in connection with the institution of a suit, appeal or other proceeding or has drawn up pleadings in connection with such matter, or has, during the progress of any suit, appeal or other proceeding appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded, an opportunity of engaging his services, appear or act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party :

Provided that the consent of the party may be presumed if he engages another advocate or solicitor to appear, act or plead, as the case may be, for him in such suit, appeal or other proceeding without offering an engagement to the advocate or solicitor whose services were originally engaged by him or on his behalf.

(2) Where it appears on the record that the appearance of an advocate or a solicitor in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above, the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate or solicitor an opportunity of being heard.

(3) An advocate or solicitor who discloses to any party information confided to him in his capacity as an advocate or solicitor by another party without the latter's consent shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

8. (a) The appointment of a firm or partnership of advocates or solicitors may be accepted by any partner on behalf of the firm or partnership.

(b) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court

(c) The name of the firm or partnership may contain the names of the persons who were or are members of the Partnership but of no others

(d) The words "and Company" shall not be affixed to the name of any partnership or firm of advocates.

(e) The names of all the members of a partnership or firm of advocates or solicitors shall be recorded with the Registrar of the High Court and/or the District Judge, as the case may be, and, in the case of Advocates, also with the State Bar Council concerned, and the names of all the partners shall also be set out in all professional communications issued by the partners or the firm.

(f) The firm or partnership of advocates or solicitors, as the case may be, shall notify to the Registrar of the High Court and/or the District Judge, as the case may be, and also to the State Bar Council concerned, in the case of advocates, any change in the composition of the firm or partnership or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place.

(g) Every partner of the firm of advocates or solicitors, as the case may be, shall be bound to disclose the names of all the partners of the firm or partnership whenever called upon to do so by the Registrar of the High Court, the District Judge and/or the State Bar Council, as the case may be, or any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance.

(h) In every case where a partner of a firm or partnership of advocates or solicitors signs any document or writing on behalf of the firm or partnership he shall do so in the name of the firm or partnership and shall authenticate the same by affixing his own signature as partner.

(i) Neither the firm or partnership of advocates or solicitors nor any partner thereof shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the said firm or partnership or by the firm or partnership itself.

9. No advocate or solicitor shall be permitted to file an appointment or warrant of attorney or memorandum of appearance in any proceeding in which another advocate or solicitor is already on record for the same party save with the consent of the former advocate or solicitor on record or the leave of the Court, unless the former advocate or solicitor has ceased to practise or has by reason of infirmity of mind or body or otherwise become unable to continue to act.

10. No advocate or solicitor who has been disbarred or suspended or whose name has been struck off the Roll of Advocates or solicitors shall be permitted to act a recognised agent of any party within the meaning of Order 3 of the Code of Civil Procedure.

11. No advocate or solicitor who has been found guilty of contempt of Court shall be permitted to appear, act or plead in any Court unless he has purged himself of contempt.

12. Advocates, appearing before the Court, shall wear the following as part of their dress:

- (1) Advocates other than lady Advocates:
 (a) Black buttoned up coat or black chapken, achakan or Sherwani, with Barrister's gown and bands, or
 (b) Black open breast coat, white shirt, white collar, stiff or soft, with Barrister's gown and bands.

In either case, long trousers (white, black or black striped or grey) shall be worn.

- (2) Lady Advocates:
 Black full sleeved jacket or blouse, white collar, stiff or soft, with Barrister's gown and bands.

Sari or long skirt (white or black) shall be worn.

D.P. CHATARJI.
 Registrar.

Published in the *Calcutta Gazette*, Ext., Part I, No. 263 dated April 27, 1970.

LOCAL SELF GOVERNMENT DEPARTMENT.

No. 1451/MIA-4/68.—27th April, 1970.—In exercise of the power conferred by sub-section (4) of section 506 of the **Bengal Municipal Act, 1932** (Bengal Act XV of 1932), the Governor is pleased to rescind the building by-laws regulating construction of buildings in less advanced municipalities under section 328 of the said Act, as adopted by the Commissioners of the Bolpur Municipality in the district of Birbhum and confirmed by Government in Notification No. M2B-21/52, dated the 30th May, 1952.

No. 1452/MIA-4/68.—27th April, 1970.—In exercise of the power conferred by sub-section (1) of section 312 of the **Bengal Municipal Act, 1932** (Bengal Act XV of 1932), the Governor is pleased to declare that Schedule VI of that Act shall be in force in the Bolpur Municipality in district of Birbhum.

No. 1453/MIA-4/68.—27th April, 1970.—In exercise of the power conferred by sub section (2) of section 312 of the **Bengal Municipal Act, 1932** (Bengal Act XV of 1932), the Governor is pleased to extend the provisions of sections 315, 317 to 327 and 329 of the said Act to the Bolpur Municipality in the district of Birbhum.

Published in the *Calcutta Gazette*, Ext., Part I, No. 190, dated March 18, 1970.

CO-OPERATION DEPARTMENT

No. 1067-Co-op./2R-9/70.—18th March, 1970.—In exercise of the power conferred by section 140 of the **Bengal Co-operative Societies Act, 1940** (Bengal Act XXI of 1940), the Governor is pleased hereby to make after previous publication, as required by sub-section (1) of the said section the following amendment in the **Bengal Co-operative Societies Rules, 1942**, as subsequently amended (hereinafter referred to as the said rules), namely :—

AMENDMENT

In the said rules, after rule 48, insert the following new rule, namely :—

“48A. Notwithstanding anything contained in rule 43, rule 47 or rule 48, where by reason of an order of a Court or for any other reason the Managing Committee of a Co-operative Society is unable to exercise

the powers conferred by these rules or its bye-laws, the Executive Officer shall during the period of such inability exercise such powers of the Managing Committee."

Published in the *Calcutta Gazette, Ext.*, Part I, No. 234, dated April 10, 1970/Caitra 20, 1892.

DEPARTMENT OF FOOD AND SUPPLIES.

No. 2256-F.S./FS./14R-29/69 —10th April, 1970.—In exercise of power conferred by clause (c) of paragraph 2 of the **West Bengal Rice and Paddy (Restrictions on Movement) Order, 1968**, as subsequently amended, the Governor is pleased hereby to rescind, with immediate effect, this Department Notification No. 8627-F.S./FS./14R-29/69, dated the 18th December, 1969, published in the "*Calcutta Gazette, Extraordinary*", of even date, except as respects any action taken or anything done or omitted to be done under the said notification before its rescission.

Published in the *Calcutta Gazette, Ext.*, Part I, No. 886, dated December 18, 1969.

DEPARTMENT OF FOOD AND SUPPLIES.

No. 8627-F.S./FS./14R-29/69.—18th December, 1969.—In exercise of the power conferred by clause (c) of paragraph 2 of the **West Bengal Rice and Paddy (Restrictions on Movement) Order, 1968**, as subsequently amended, the Governor is pleased hereby to notify that for the purpose of clause (iii) of paragraph 3 of the said order the area comprising the police-stations of Habibpur, Bamangola, Gajol and Malda in the district of Malda shall be a specified area with effect from the 22nd December, 1969.

Published in the *Calcutta Gazette, Ext.*, Part I, No. 281, dated May 4, 1970.

DEPARTMENT OF FOOD AND SUPPLIES

Directorate of Textiles

No. 769/Tx./L/2P-1/69.—21st March, 1970.—In exercise of the powers conferred on me by the 3rd proviso to paragraph II of the **West Bengal Cotton Cloth and Yarn (Control Order, 1960**, as subsequently amended, and in view of the fact that a good number of the existing licensees have failed to submit applications for renewal of their textile licences for 1970-71 according to the programmes drawn up for the purpose, I hereby extend, up to 29th May, 1970, the validity of all the textile licences which are due to expire on the 31st March, 1970, issued under the aforesaid order and also the time for filing of applications together with the requisite fees for renewal of such licences.

Published in the *Calcutta Gazette*, Ext., Part I, No. 68 dated
January 31, 1970

FINANCE DEPARTMENT

No. 425-F.T.—30th January 1970.—In exercise of the power conferred by section 26 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act VI of 1941), the Governor is pleased to make, with effect from the 1st February 1970, after previous publication as required by sub-section (1) of the said section, the following amendment in the **Bengal Sales Tax Rules, 1941** as subsequently amended (hereinafter referred to as the said rules), namely :—

Amendments

In rule 80 of the said rules,—

(i) to sub-rule (5), after the existing proviso, add the following further proviso, namely :—

“Provided further that where such authority considers it necessary to revise any assessment made or order passed under the Act in consequence of an order passed under any other Sales Tax law of the State or the Union revising or reviewing an assessment made under that law in respect of the same dealer, such authority may revise such assessment or order at any time within four years from the date of the order passed under other Sales Tax law.”;

(ii) in sub-rule (6), after the existing proviso, add the following further proviso, namely :—

“Provided further where such authority considers it necessary to review any assessment made or order passed under the Act in consequence of an order passed under any other Sales Tax law of the State or the Union revising or reviewing an assessment made under that law in respect of the same dealer, such authority may review such assessment or order at any time within four years from the date of the order passed under other Sales Tax law.”;

Published in the *Calcutta Gazette* Part I, No. 75, dated June 18, 1970
FINANCE DEPARTMENT

No. 1788-F.—27th May 1970.—In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased hereby to make the following rules, namely :—

RULES

2, *Short title and commencement*.—(1) These rules may be called the **West Bengal Services (Raising of Age-limit) Rules, 1970**.

(2) They shall come in force on the date of their publication in the Official Gazette:

2, *Raising of age-limit with additional chance to appear at examination*.—Notwithstanding anything contained in any rules regulating the recruitment to the West Bengal Civil Service (Executive) or other services or posts under the State Government, where under any such rules the upper age-limit for recruitment has been fixed at an age below 26,—

(a) such upper age-limit shall be raised by two years subject to the maximum of 26 years,

(b) if recruitment is required to be made on the results of a competitive examination and the number of chances which a candidate can avail himself of has been specified in such rules a candidate shall be allowed one more chance to appear at such examination in addition to the number of chances so specified.

Published in the *Calcutta Gazette*, Ext., Part I, No. 323 A, dated
May 25, 1970/Jyaistha 4, 1892

HIGH COURT
Appellate Side

BURDWAN.—No. 4781 Sp.—25th May 1970.—In exercise of the powers conferred by sub-section (3) of section 13A of the Code of Criminal Procedure as amended in its application to West Bengal by the **West Bengal Separation of Judicial and Executive Functions Act, 1970** (West Bengal Act VIII of 1970), the High Court hereby delegates its power under section 13A Cr.P.C., to the Sessions Judge of Burdwan district who shall exercise those powers under intimation to the High Court when a Sub-divisional Judicial Magistrate is absent or otherwise not available at a station.

D P. CHATARJI

Registrar,

High Court, Appellate Side Calcutta

Published in the *Calcutta Gazette*, Ext., Part I, No. 304 date
May 13, 1970/Vaisakha 23, 1892.

JUDICIAL DEPARTMENT

No. 396-SEP.—13th May 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **West Bengal Separation of Judicial and Executive Functions Act 1970**, (West Ben. Act VIII of 1970) the Governor is pleased hereby to appoint the 19th day of May 1970 as the date on which the provisions of the said Act shall come into force in the district of Howrah.

No. 401-SEP.—13th May 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **West Bengal Separation of Judicial and Executive Functions Act, 1970** (West Ben. Act VIII of 1970), the Governor is pleased hereby to appoint the 26th day of May 1970 as the date on which the provisions of the said Act shall come into force in the district of Burdwan.

Published in the *Calcutta Gazette* Ext Part I, No. 310, dated
May 1970/Vaisakha 29, 1892

HIGH COURT
Appellate Side

HOWRAH—No. 4553 Sp.—19th May 1970.—In exercise of the power conferred by sub-section (3) of section 13A of the Code of Criminal Procedure as amended in its application to West Bengal by the **West Bengal Separation of Judicial and Executive Functions Act 1970** (West Bengal Act VIII of 1970), the High Court hereby delegates its power under section 13A, Criminal Procedure Code, to the Sessions Judge of Howrah district who shall exercise those powers under intimation to the High Court when a Sub-divisional Judicial Magistrate is absent or otherwise not available at a station.

D.P. CAATARJI

Registrar,

High Court, Appellate Side Calcutta

Published in the *Calcutta Gazette*, Ext., Part I, No. 311, dated
May 19, 1970/Vaishakha 29, 1892.

DEPARTMENT OF FOOD AND SUPPLIES

No. 3460-FS/FS/14R-86/66.—19th May 1970.—In exercise of the powers conferred by paragraph 6 of the **West Bengal Essential Food**

stuffs Anti-Hoarding Order, 1966 the Governor is pleased hereby to make the following amendment in this Department Notification No. 6491-F.S./FS/14R-86/66, dated the 1st July 1966, published in the "Calcutta Gazette, Extraordinary", of even date (hereinafter referred to as the said notification), namely :—

AMENDMENT

In the said notification, for item No. (2) and entries relating thereto, substitute the following item and entries, namely :—

(2) all Assistant District Controllers of Food and Supplies, Government of West Bengal, and".

Published in the *Calcutta Gazette*, Ext., Part I, No. 327 dated May 27 1970/Jyaistha 6, 1892

DEPARTMENT OF ANIMAL HUSBANDRY AND VETERINARY SERVICES

No. 4297-Mk.—12th May 1970.—In pursuance of the provisions of sub-section (2) of section 1 of **West Bengal Cattle Licensing Act, 1959** (West Bengal Act 1 of 1959), the Governor is pleased hereby to appoint the 1st day of June 1970 as the date on which the said Act shall come into force in the following urban area, namely —

Areas included within the Kalyani Notified Area in the district of Nadia.

Published in the *Calcutta Gazette* Ext., Part 3, No. 136, dated February 25, 1970/Phalgana 6, 1891.

DEPARTMENT OF FOOD AND SUPPLIES

No. 1212F.S./FS/14R-1/7C.—25th February 1970.—Whereas the Governor is of opinion that it is necessary and expedient so do to for maintaining supplies of foodgrains and securing their equitable distribution and availability at fair prices in the State of West Bengal ;

Now therefore in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955), and, in particular, by sub-section (3B) thereof, read with the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation of Food), Order No. G. S. R. 1111, dated the 24 July 1967, as subsequently amended, the Governor is pleased hereby to make, with the prior concurrence of the Central Government, the following Order, namely :—

1. *Short title, extent and commencement.*—(1) This Order may be called the **West Bengal Foodgrains (Requisitioning) Order, 1970**.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) "consumer" means a person who purchases foodgrains for consumption by himself and the members of his family and includes an institution or establishment which purchases foodgrains for consumption by its members, customers and staff ;

(b) "family" includes servants living in the same mess and, in the case of an institution or establishment, all its members, customers and staff ;

(c) "foodgrains" means rice or paddy ;

(d) "institution" and "establishment" have the same meanings as in the West Bengal Rationing Order, 1964 ;

(e) "paddy" means rice in the husk ;

(f) "procurement agent" means a person who has entered into an

agreement with the State Government for purchase, sale or storage of foodgrains on behalf of the State Government and includes the Food Corporation of India, established under the Food Corporations Act, 1964 (37 of 1964), acting through its officers and agents as an agent of the State Government for the purposes of this Order ;

“procurement price” means, in relation to any class and grade of foodgrains, the price specified in this Order for such class and grade having regard to the maximum prices of paddy fixed under the West Bengal Paddy Price Control Order, 1968, and to the price likely to prevail during the post-harvest period in respect of such class and grade of foodgrains;

(h) “producer” means an person who in any capacity grows paddy or causes paddy to be grown on land ;

(i) “requiring authority” means the Block Development Officer/Joint Block Development Officer/District Controller of Food and Supplies/Assistant District Controller of Food and Supplies/Sub divisional Controller of Food and Supplies in his respective jurisdiction and includes such other officer not below the rank of Inspector in the Department of Food and Supplies of the State Government, as may be appointed by the State Government, by notification in the “Official Gazette”, to perform the functions of the requiring authority under this Order ;

(j) “rice” means rice imported into, or produced out of paddy, in West Bengal and includes broken rice, but does not include chira, muri or khoi.

3 *Power of the requiring authority to call for accounts and information*—Every person holding in stock any foodgrains shall when called upon to do so by the requiring authority by an order in writing, furnish—

(a) a true account of such foodgrains, and

(b) information regarding the production, storage, acquisition, use or consumption of such foodgrains in such manner and within such period as may be specified in the order and a person, when so called upon, shall not, unless permitted by the requiring authority, sell or otherwise dispose of such foodgrains or any part thereof.

4. *Power of the requiring authority to direct sale.*—(1) Subject to the provisions of sub-paragraph (3), the requiring authority may, by an order in writing, direct any person, holding in stock any foodgrains, to sell at the procurement price such quantity of such foodgrains to such person or such procurement agent or such officer of the State Government and within such period, as may be specified in the order.

(2) Every such order shall specify the following particulars, namely:

(a) the quantity, class and grade of foodgrains held in stock by such person ;

(b) the quantity, in respect of which exemption is granted to such person, under the provisions of sub-paragraph (3) ;

(c) the quantity, class and grade of foodgrains required to be sold by such person; and

(d) the period within which the foodgrains, directed to be sold by such person, are to be delivered.

(3) A producer or consumer mentioned in column 1 of the Table below shall, for all or any of the purposes mentioned in column 2 of the Table, be entitled to hold in stock the quantity of foodgrains calculated according to the scale mentioned in the corresponding entries in column 3 or column 4, as the case may be, of the Table and the requiring authority shall exempt such producer or consumer from selling such quantity of foodgrains.

TABLE

Category	Purpose	Scale for areas where the West Bengal Rationing Order, 1964, is not in force	Scale for areas where the West Bengal Rationing Order, 1964, is in force
1	2	3	4
(a) Producer	(i) For consumption by the members of his family	30 kilograms of paddy per member (adult or child) per month in respect of each English calendar year	Annual cereal quota calculated according to the provisions for the time being in force of the West Bengal Rationing Order, 1964, and the Regulations made thereunder
	(ii) For seeds and all other purposes excepting item (i) above	120 kilograms of paddy per acre of paddy land held by him and cultivated in the year immediately preceding	120 kilograms of paddy per acre of paddy land held by him and cultivated in the year immediately preceding
(b) Consumer other than by an establishment or institution	For consumption by the members of his family	187 kilograms of rice per family at any time	20 kilograms of rice per member of or above the age of 8 years and 10 kilograms of rice per member below the age of 8 years at any time
(c) Consumer by an establishment or institution	For consumption by its members/staff/customers	3,730 kilograms of rice at any time	3,730 kilograms of rice at any time

Note 1.—When land is cultivated by a bargadar, exemption, for the purpose of seeds or for purposes other than consumption by the members of the family, shall be allowed either to the owner of the land or to the bargadar, according as seeds or other services are provided by the owner or the bargadar.

Note 2.—One kilogram of rice shall be taken as equivalent to 1.5 kilograms of paddy.

6 *Procurement prices.*—(1) For the purposes of this Order the procurement prices for different classes and grades of foodgrains shall, subject to the provisions of sub-paragraphs (2), (3) and (4), be as follows:

	Class	Grade	Rate per quintal in rupees
Paddy	...	(i) Common	56.00
		(ii) Fine	59.00
		(iii) Superfine	62.00
		(iv) Aromatic	62.00
Rice	...	(i) Common	91.20
		(ii) Fine	96.60
		(iii) Superfine	105.10
		(iv) Aromatic	105.1

(2) The rates specified in sub-paragraph (1) are in each case for naked grain, and exclude the cost of gunny bag containers, but include the cost of handling for delivery.

(3) The rates, specified in sub-paragraph (1) in respect of rice, include the cost of weighing, bagging, sewing, marking and handling for delivery, where such weighing, bagging, sewing, marking and handling is done by the seller; otherwise the rate shall be reduced by 25 paise per quintal.

(4) The rates, specified in sub-paragraph (1) are for foodgrains of fair average quality conforming to the specifications given in Schedules I and II to this Order. For foodgrains below the fair average quality, the rates shall be reduced by the amounts of cuts indicated in column (4) of each of the said schedules.

Explanations.—(1) "Common paddy" and "common rice" mean all grades of paddy and rice produced in or imported into West Bengal other than paddy and rice of fine, superfine and aromatic grades, and include all grades of paddy and rice of *Aws* and *Boro* types.

(2) "Fine", "superfine" and "aromatic" in relation to grades of paddy and rice, mean respectively the grades of paddy and rice specified in columns (2), (3) and (4) of Schedule III to this Order and include similar grades.

(3) "Fair average quality" means the quality within the tolerance limits, specified in column (3) of Schedule I or Schedule II, as the case may be.

6 *Disposal of disputes.*—(1) Any person, who has been directed by an order under sub-paragraph (1) of paragraph 4 to sell the foodgrains held in stock by him, may, before the expiry of the period mentioned in such order, apply in writing to the requiring authority, disputing the correctness or accuracy of such order in respect of any material fact or detail.

(2) The requiring authority shall, on receiving the application, forthwith forward it to the District Officer, having jurisdiction in the area, where the stock is held by such person.

(3) Notwithstanding anything contained in sub-paragraph (1) of paragraph 4, such person shall deliver into the custody of such procurement agent, as may be authorized by the requiring authority, the stock of foodgrains in respect of which the dispute has arisen, pending decision of the dispute by the District Officer:

Provided that where the dispute relates to the quantity of foodgrains to be exempted from selling, and such person claims that he is entitled to more than what has been exempted, he shall, before making an application under sub-paragraph (1), sell the stock, if any, in excess of what has been claimed by him.

(4) The District Officer, on receiving an application forward to him by the requiring authority under sub-paragraph (2), shall, after giving the applicant an opportunity of being heard and after taking such evidence as he deems necessary, dispose of the application as expeditiously as possible. The decision of the District Officer shall be binding on the applicant and the requiring authority.

(5) The District Officer shall not entertain any application raising a dispute, unless he is satisfied that the applicant has complied with the provisions of sub-paragraph (3) or the proviso thereto.

(6) If the District Officer decides that the applicant is liable to sell the whole of the stock specified in the order made under sub-para-

graph (1) of paragraph 4, or any part thereof, the District Officer shall direct the applicant to sell such stock to such person or such procurement agent or such officer of the State Government and within such period, as may be specified in the decision.

Explanation.—(1) For the purposes of this paragraph "District Officer" means, in relation to a district, the District Magistrate or the Deputy Commissioner or an Additional Deputy Magistrate or an Additional Deputy Commissioner of that district, and includes such magistrate of the first class as may be authorised by the District Magistrate or the Deputy Commissioner concerned in this behalf by a notification in the "Official Gazette" and in relation to Calcutta area, the Director of Rationing, West Bengal.

(2) "Calcutta area" means the areas described in Schedule I to the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), as amended by notification issued under section 594 of that Act, that part of Hastings north of south edge of Clyde Row and Strand Road to the river bank, and the area within the limits of the port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908 (Act 15 of 1908).

7. *Powers of entry, search, seizure, etc.*—(1) The requiring authority or any officer of the Department of Food and Supplies Government of West Bengal, not below the rank of Sub-Inspector, or any Police Officer not below the rank of Assistant Sub-Inspector, or any other Officer authorised by the State Government in this behalf, may, with a view to securing compliance with the provisions of this Order or to satisfying himself that the provisions of this Order have been complied with,—

(a) inspect or cause to be inspected any book of account or accounts as well as any stock of foodgrains belonging to under the control of any person,

(b) require any person to give any information in his possession in respect to any foodgrains,

(c) stop and search forthwith, with such aid or assistance as may be necessary, any person or vehicle or vessel or animal, used or suspected of being used for delivery of foodgrains from any premises where he has reason to believe that foodgrains are stored,

(d) enter and search, with such aid or assistance as may be necessary, any such premises,

(e) seize and remove, with such aid or assistance as may be necessary, stock of foodgrains along with the packages, covering or receptacles in which such stock is found, and the animals, vehicles or vessels used in carrying such stock, if he has reason to suspect that any provision of this Order has been, is being or is about to be, contravened in respect of such stock or any part thereof or in respect of any other stock of foodgrains which, immediately before the contravention, was stored along with such stocks, and thereafter take or authorise the taking of all measures necessary for securing the production of the stocks of foodgrains, packages, coverings, receptacles, animals, vehicles or vessels, so seized, in a court of law, and for their safe custody pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (Act 5 of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this paragraph.

8. *Savings.*—Nothing in this Order shall apply to foodgrains held in stock by or on behalf of or on account of or on the authority of the

Central Government or the State Government or the Food Corporation of India.

9. *Repeal*.—The West Bengal Foodgrains (Requisitioning) Order, 1967, is hereby repealed :

Provided that such repeal shall not—

(a) affect the previous operation of the said Order or anything duly done or suffered thereunder;

(b) affect any right, obligation or liability acquired, accrued or incurred under the said Order;

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order; or

(d) affect any investigation, legal proceeding or remedy, in respect of and such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if the said Order had not been repealed.

[For Schedule I to III see the *Calcutta Gazette* Ext., Part I, dated February 25, 1970, pages 560 to 560d. Editor]

Published in the *Calcutta Gazette*, Part-I, No 19, dated May 7, 1970.

DEVELOPMENT AND PLANNING DEPARTMENT

No. 2799-T&CP/5A-2/68 D)(Pt.I).—7th April 1970.—The following notification by the Durgapur Development Authority is published for general information :—

“DURGAPUR DEVELOPMENT AUTHORITY

No. DDA/720/139/64.—18th July 1969 —In exercise of the power conferred by section 13 of the Durgapur (Development and Control of Building Operations) Act, 1958 (West Ben. Act XXVII of 1958), the Durgapur Development Authority, with the previous approval of the Government of West Bengal, hereby makes the following amendment in the **Durgapur (Development and Control of Building Operations) Regulations, 1960**, published with notification No. 8421/DPA/9-2/60, dated the 10th October 1961, at pages 3305-3309 of Part I of the *Calcutta Gazette*, dated the 27th October 1960, as subsequently amended (hereinafter, referred to as the said regulations), namely :—

Amendment

In the said regulations,—

(i). in regulation 2, for clause (f), substitute the following clause, namely :—

“(f) “Secretary” means the Chief Executive Officer and Member-Secretary of the Authority”;

(ii) in regulation 17, after the words ‘State Bank of India, Durgapur’ insert the words ‘or in any other Scheduled Bank and such portion thereof may be invested in such securities as may be approved by the State Government’;

(iii) in regulation 18, omit the words ‘in the State Bank of India, Durgapur’;

(iv) for regulation 19, substitute the following, namely :—

‘19. No money shall be paid from the funds of the Authority except on an order to pay to be signed by the Secretary provided that when such order exceeds the value of Rs. 25,000 such payment shall be countersigned by the Chairman also’;

(v) in regulation 20, for the words 'rupees one hundred', substitute the words 'rupees two hundred';

(vi) omit regulation 22;

(vii) in regulation 23, for clauses (a) and (b), substitute the following clauses, namely :—

(a) organise and supervise the office of the Authority, recruit, make appointments to posts as may be created and exercise such powers in connection with the appointment, discipline, promotion, termination of services, leave of its staff, etc., as may be necessary;

(aa) prepare and submit to the Authority the Annual Budget for its consideration;

(aaa) submit to the State Government the Annual Budget as passed by the Authority by the date fixed in this behalf by the State Government;

(b) receive and expend subject to budget provisions and other terms specified in this regard, moneys on behalf of the Authority and maintain proper accounts, vouchers and receipts therefore;

(viii) in regulation 26, omit the words 'who is appointed with the approval of the State Government or';

(ix) in regulation 27, omit the words 'at the time of creation of the posts';

(x) after regulation 51, add the following regulation, namely :—

CHAPTER VII

Procedure for carrying out works

52. In carrying out any engineering or other works in the discharge of its duties and in particular in the preparation of estimates, calling and acceptance of tenders, supervision of works, making of payments, etc., the Authority shall be guided as far practicable, by the provisions contained in the Public Works Department Code for the time being in force in West Bengal.

A. NIYOGI,

Chairman, Durgapur Development Authority".

Published in the *Calcutta Gazette*, Ext., Part I, No. 464, dated August 21, 1970

DEVELOPMENT AND PLANNING DEPARTMENT

No. 5820-T&CP/3A-6/70.—20th August 1970.—In pursuance of the provisions of sub-section (2) of section 1 of the **Calcutta Metropolitan Development Authority Act 1970** (President's Act No. 17 of 1970), the Governor is pleased hereby to appoint the 21st day of August 1970 as date on which the said Act shall come into force.

Published in the *Calcutta Gazette*, Ext., Part I, No. 436, dated August 3, 1970

JUDICIAL DEPARTMENT

No. 10639-J.—3rd August 1970.—In exercise of power conferred by section 10 of the Criminal Law Amendment Act, 1932 (Act 23 of 1932), and in supersession of Notification No. 4184-P, dated the 10th April 1933, published in the "*Calcutta Gazette*" of 1933, Part I, page 563, the Governor is pleased to declare (1) that any offence punishable under sections 186, 188, 189, 190, 228, 295A, 298, 505, 506 or 507 of the **Indian Penal Code**, when committed within West Bengal, shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be

cognizable, and (2) that any offence punishable under section 188 or section 506 of the Indian Penal Code, when committed within the said area, shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be non-bailable.

Published in the *Calcutta Gazette*, Part I, No. 39, dated August 20, 1970.

No. 651-I-/SS/1R-3/69.—8th April 1970.—In exercise of the power conferred by clauses (d) to (h) of sub-section (1) of section 96 of the Employees' State Insurance Act, 1948 (Act 34 of 1948), the Governor, after consulting the Employees' State Insurance Corporation set up under the said Act, is pleased hereby to make the following amendments in the **West Bengal Employees, State Insurance (Medical Benefit) Rules, 1955**, as subsequently amended (hereinafter referred to as the said rules), the same having been previously published as required by sub-section (1) of the said section, namely:—

AMENDMENTS

In the said rules,—

(1) to sub-rule (1) of rule 4, add the following proviso, namely:—

“Provided that the State Government may provide such general medical services to insured persons through Employees' State Insurance Dispensaries set up for this purpose under the supervision of Insurance Medical Officers at places considered appropriate by the State Government.”;

(2) for rule 10, substitute the following rule, namely:—

“10 Choice of Insurance Medical Practitioner or Employees' State Insurance Dispensaries —Application by an insured person for acceptance by an Insurance Medical Practitioner or by an Employees' State Insurance Dispensary shall be made by delivering to the Insurance Medical Practitioner or the Insurance Medical Officer of the Employees' State Insurance Dispensary, as the case may be, a signed medical acceptance card in such form as the Corporation may specify.”;

(3) in rule 11,—

(a) in the head note to the rule, after the words “Change of Insurance Medical Practitioner”, add the words “or Employees' State Insurance Dispensary”;

(b) for sub-rule (1), substitute the following sub-rule, namely:—

“(1) An insured person may change his Insurance Medical Practitioner or Employees' State Insurance Dispensary, as the case may be, if he changes his residence to a distant locality or otherwise not more than once a year, provided that the State Government or any Officer to be appointed by the State Government in this behalf, may, after being satisfied that special circumstances exist, permit a change at any time on application by the insured person.”; and

(c) in sub-rule (3), after the words “to another Insurance Medical Practitioner”, insert the words “or to an Employees' State Insurance Dispensary”;

(4) in rule 12, after the words “shall be assigned to an Insurance Medical Practitioner”, insert the words “or to an Employees' State Insurance Dispensary”;

(5) in sub-rule (1) of rule 13, after the words “another Insurance Medical Practitioner”, insert the words “or an Employees' State Insurance Dispensary”.

Published in the *Calcutta Gazette*, Ext., Part I, No. 432, dated July 31, 1970.

No. 1504L—31st July, 1970.—In exercise of the power conferred by section 8 of the West Bengal Legislative Council (Abolition) Act, 1969 (Act 20 of 1969), the Governor is pleased hereby to make the following Order, namely :—

1. (1) This Order may be called the **Adaptation of Bengal and West Bengal Laws Order, 1970.**

(2) It shall be deemed to have come into force on the 31st day of July, 1970.

2. The Bengal General Clauses Act, 1899 (Ben. Act I of 1899), applies for the interpretation of this Order as it applies for the interpretation of a Bengal and a West Bengal Act.

3. As from the 31st day of July, 1970, the Bengal and West Bengal Acts mentioned in the Schedule to this Order shall, until repealed or amended by a competent Legislature or other competent authority, have effect subject to the adaptations and modifications directed by the Schedule.

THE SCHEDULE

The Bengal State Aid to Industries Act, 1931 (Ben. Act III of 1931)
Section 3.—In sub-section (1), omit clause (b).

Section 4. —For the words, letters and brackets “clauses (e), (g) and (h)”, substitute the words, letters and brackets “clauses (e) and (g)”.

Section 32.—In sub-section (2), in clause (a), for the words, letters and brackets “clauses (g) and (h)”, substitute the word, letter and brackets “clause (g).

The Bengal Legislative Assembly (Members’ Emoluments) Act, 1937.
(Ben. Act II of 1937)

Section 2.—Omit the words “either of the West Bengal Legislative Council but not including the Chairman thereof, or”

The Bengal Famine Relief Insurance Fund Act, 1938
(Ben. Act III of 1938)

Section 7.—In sub-section (1), omit the words “and before the West Bengal Legislative Council when that Council is constituted”.

The West Bengal Salaries and Allowances Act, 1952
(West Ben. Act V of 1952)

Section 2.—In clause (b), omit the words “and ‘Chairman’ and ‘Deputy Chairman’ mean respectively the Chairman and Deputy Chairman of the West Bengal Legislative Council”.

Section. 8.—Omit the words “and the Chairman” occurring in the second line and the words “and the Deputy Chairman” occurring in the fourth line.

Section 9.—(1) In the marginal note, omit the words “and Deputy Chairman” ;

(2) omit the words “and the Deputy Chairman of the West Bengal Legislative Council”.

The West Bengal Legislature (Removal of Disqualifications) Act, 1952.
(West Ben. Act VI of 1952)

In the long title and the preamble, omit the words “or the West Bengal Legislative Council”.

Section 2.—Omit the words “or the West Bengal Legislative Council”.

The West Bengal Agriculture (Prohibition of Simultaneous Membership) Act, 1952 (West Ben. Act VII of 1952)

The whole Act shall stand repealed.

The West Bengal Board of Secondary Education Act, 1963
(West Ben. Act V of 1963)

Section 4.—For clause (17), substitute the following clause, namely :—

“(17) two representatives of the West Bengal State Legislature elected in the manner prescribed ;”.

The West Bengal Zilla Parishad Act, 1963
(West Ben. Act XXXV of 1963)

Section 4.—In paragraph (i) of sub-clause (c) of clause (1), omit the words “or the Legislative Council of the State”.

Section 5.—In sub-section (2), omit the words “or the Legislative Council of the State”.

Section 52.—In paragraph (ii) of sub-clause (c) of clause (1), omit the words “or the Legislative Council of the State”.

Section 53.—In sub-section (2), omit the words “or the Legislative Council of the State”.

The Calcutta Metropolitan Planning Area (Use and Development of Land Control Act, 1965 (West Ben. Act XIV of 1965)

Section 18.—In sub-section (3), omit the words “both Houses of”.

The Calcutta University Act, 1966 (West Ben. Act II of 1966)

Section 19.—In sub-section (1), omit clause (xxix).

The Calcutta Metropolitan Water and Sanitation Authority Act, 1966
(West Ben Act XIII of 1966)

Section 7.—In sub-section (1), omit the words “and three by the members of the West Bengal Legislative Council”.

The Calcutta Tramways Company (Taking over of Management) Act 1967 (West Ben Act XVI of 1967)

Section 16.—Omit the words “each House of”.

Section 17.—In sub-section (3),—

(i) omit the words “each House of”, and

(ii) for the words “both Houses agree”, in the two places where they occur, substitute the words “the State Legislature agrees”.

Published in the *Calcutta Gazette*, Part I, No. 37, dated September, 10, 1970.

LAND REVENUE DEPARTMENT

No. 10386-L. Ref./261/68.—1st August, 1970.—In exercise of the power conferred by sub-clause (iv) of clause (a) of sub-section (1) of section 16 of the **West Bengal Estates Acquisition Act, 1953** (West Ben. Act I of 1954), the Governor is pleased hereby to appoint the officers of Purulia Forest Division mentioned below, to be the officers, for the purposes of the said sub-clause, within their respective jurisdictions :

- (1) Divisional Forest Officers
- (2) Assistant Forest Officer.
- (3) Extra Assistant Conservator of Forests.

No. 10387-L. Ref.—1st August, 1970.—In exercise of the power conferred by sub-section (2) of section 53 of the **West Bengal Estates Acquisition Act, 1953** (West Ben. Act I of 1954), the Governor is pleased hereby to vest the officers of Purulia Forest Division, mentioned below, with the powers of a Revenue Officer under the said Act within their respective jurisdictions :

- (1) Divisional Forest Officer.
- (2) Assistant Forest Officer.
- (3) Extra Assistant Conservator of Forests.

Published in the *Calcutta Gazette* Ext.. Part I, No. 550, dated
October 30, 1970.

DEPARTMENT OF FOOD AND SUPPLIES

No. 6941-F.S./FS/14R-29/69.—30th October, 1970—In exercise of the powers conferred by clause (c) of paragraph 2 of the **West Bengal Rice and Paddy (Restrictions on Movement) Order, 1963**, as subsequently amended, the Governor is pleased hereby to rescind, with immediate effect, this Department Notification No. 8077-F.S./FS/14R 2)/69, dated the 25th November, 1969, published in the *Calcutta Gazette, Extraordinary*, of even date, except as respects any action taken or anything done or omitted to be done under the said notification before its rescission.

Published in the *Calcutta Gazette*, Part I, No. 508, dated November
12, 1970.

FINANCE DEPARTMENT

No. 5405-F.T.—12th November, 1970.—In exercise of the power conferred by sub-section (2) of section 4 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970** (President's Act No. 18 of 1970), the Governor is pleased to appoint the following officers to assist the prescribed authority for carrying out the purposes of the said Act, namely :—

(a) Additional Director of Entry Taxes referred to in clause (a) of rule 2 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Rules, 1970**,

(b) Assistant Director of Entry Taxes, referred to in clause (f) of rule 2 of the **Taxes on Entry of Goods in Calcutta Metropolitan Area Rules, 1970**.

(c) Superintendent of Claims and Refund, referred to in clause (u) of rule 2 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Rules, 1970**,

(d) Zonal Officers, referred to in clause (w) of rule 2 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Rules, 1970**,

(e) Entry Tax Officers, referred to in clause (k) of rule 2 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Rules, 1970**.

No. 5403-F.T.—12th November, 1970—In pursuance of the provision of sub-section (2) of section 1 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970** (President's Act No. 18 of 1970), the Governor is pleased to appoint the 16th day of November, 1970 as the date on which the said Act shall come into force.

No. 5404-F.T.—12th November, 1970.—In exercise of the power conferred by clause (b) of section 2 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970** (President's Act No. 18 of 1970), the Governor is hereby pleased to specify the areas mentioned in the Schedule below, as the other areas being areas contiguous to the area described as the **Calcutta Metropolitan District** in the Schedule to the **Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965** (West Bengal Act XIV of 1965), included in the **Calcutta Metropolitan District**, namely :—

SCHEDULE

1. Mouza Beraberia, jurisdiction list No. 75, police-station Amdanga, district 24-Parganas.

2. Mouza Porba Ichapur, jurisdiction list No. 111, police-station Barasat, district 24-Parganas.

3. Mouza Krishnapur, jurisdiction list No. 100, police-station Chanditola, district Hooghly.

4. Modza Kalipur, jurisdiction list No. 99, police-station Chanditola, district Hooghly.

No. 5407-F.T.—12th November, 1970.—In exercise of the power conferred by rule 13 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Rules, 1970**, the Governor is pleased hereby to notify that any specified goods brought as personal luggage by any passenger into Calcutta Metropolitan Area may be exempted from levy of tax under the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970** (President's Act No. 18 of 1970), to the extent specified below, if such luggage accompanies the passenger and consists of goods which are—

(i) owned and possessed by the passenger and brought for his personal use or for the use of any member of his family travelling with him;

(ii) not intended for sale or for use of other persons.

Extent of Exemption

(a) specified goods liable to tax under the said Act on "weight" basis ...up to Rs. 20 kgs; and

(b) specified goods liable to tax under the said Act on "value" basis ...up to Rs. 150 :

Provided that for a period of three months from the commencement of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970**, the limit up to which such personal luggage may be exempted from levy of tax under the said Act, shall be—

(a) specified goods liable to tax under the said Act on "weight" basis ... 60 kilograms ;

(b) specified goods liable to tax under the said Act on "value" basis ... Rs. 500.

No. 5409-F.T.—12th November, 1970.—In exercise of the power conferred by sub-section (1) of section 11 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970** (President's Act No. 18 of 1970), the Governor is pleased to specify the—

(a) Eastern Railway,

(b) South Eastern Railway,

(c) Howrah Amta Light Railway,

(d) Howrah Seakhala Light Railway,

(e) Commissioners for the Port of Calcutta, and

(f) Director of Entry Taxes,

as the agencies through which the tax assessed and payable under the said Act shall be collected on the basis of demand notice for the same that may be issued by the Assessing Officer, at—

(1) the check post at any railway station including halt and flag station, any siding including plot served as siding, any city booking and parcel office, any goods (including street delivery goods) shed or yard and any parcel (including street delivery parcel) shed or yard or office of such railways, or any other place where goods are stored after entry into Calcutta Metropolitan Area for delivery by the Railways,

(2) the check post at any Dock, Coal Dock, Jetty, Tea Warehouse, Kantapukur, Inland Vessel Wharf, Petroleum Wharf Budge Budge, Railway siding, shed and godown of the Calcutta Port Commissioners,

or at any other place where goods are stored after entry into Calcutta Metropolitan Area for delivery by the Calcutta Port Commissioners, and

(3) any other check post or any other place where the Assessing Officer is on duty relating to that check post, which is situated in the Calcutta Metropolitan Area, by the employees of such agency, who may be for the time being posted at those places and who are appointed as cashiers or as other officers under the said Act to whom power in this behalf has been delegated by the Director of Entry Taxes.

No. 5411-F.T.—12th November 1970.—In exercise of the power conferred by sub-section (2) of section 4 of the **Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970**, the Governor is pleased hereby to empower the director of Entry Taxes, being the prescribed authority, to appoint persons of the rank of Class III and Class IV Government servants other than Inspectors to assist him for carrying out the purposes of the said Act.

Published in the *Calcutta Gazette* Part I, No. 47, dated November 19, 1970

TRANSPORT

No. 8479-W.T.—26th October 1970.—In exercise of the powers conferred by sub-sections (1) and (2) of section 44 of the **Motor Vehicles Act 1939** (Act 4 of 1939), read with sub-rule (ff) rule 53 of **Bengal Motor Vehicles Rules, 1944** and in modification of this Department Notification No. 7435-W.T., dated 31st August 1970, published in "*Calcutta Gazette, Extraordinary*", dated 3rd September, 1970, the Governor is pleased hereby to reconstitute for the region of Howrah Regional Transport Authority consisting of the following members to exercise and discharge throughout the said region the powers and functions conferred by and under the said Act on such Authority:

MEMBERS

- (1) District Magistrate—Chairman.
- (2) Subdivisional Officer, Sadar, Howrah.
- (3) Subdivisional Officer, Uluberia, Howrah.
- (4) Superintendent of Police of the district.
- (5) Executive Engineer, Public Works Department of the district.
- (6) Executive Engineer, Construction Division, Public Works (Roads) Department of the district.

Published in the *Calcutta Gazette*, dated September 3, 1970.

CO-OPERATION DEPARTMENT

No. 2547-Co-op./2R-11/69.—27th July 1970.—In exercise of the power conferred by section 140 of the **Bengal Co-operative Societies Act, 1940** (Bengal Act XXI of 1940), the Governor is pleased hereby to make, after previous publication, as required by sub-section, (1) of the said section the following amendments in the **Bengal Co-operative Societies Rules, 1942**, as subsequently amended (hereinafter referred to as the said rules), namely:—

AMENDMENTS

In rule 28 of the said rules,—

- (1) in sub rule (1)—
 - (i) in clause (a), for the words "the annual", substitute the words "an annual or special"; and
 - (ii) omit clause (d);
- (2) in sub-rule (3)—

(a) for the words "as soon as may be", substituted the words "subject to the provision of rule 38" ; and

(b) add the following proviso, namely :—

"Provided that when the managing committee meeting mentioned above is not held within the said period of thirty days, the Registrar or any person authorised by him may, in exercise of the powers conferred upon him under section 23AA, summon a meeting as soon as possible after the aforesaid period of thirty days for election of the officers mentioned above".

(3) in sub-rule (4)—

(a) for the words "annual general meeting", substitute the words "annual or special general meeting" ; and

"Provided that such co-opted director shall not suffer from any of the disqualifications referred to in section 25, rules 30, 31 or 35.";

(4) in sub-rule (5) for the words "annual general meeting", substitute the words "annual or special general meeting" ; and

(5) after sub-rule (5), add the following new sub-rule, namely :—

"(6) The Managing Committee of a Co-operative Society may also be constituted by appointment by the Registrar under section 25 as and when necessary".

Published in the *Calcutta Gazette*, Ext., Part I, No. 536, dated October 22, 1970.

HOME DEPARTMENT

No 6079-P —22nd October, 1970.—In exercise of the power conferred by clause (b) of sub-section (3) of section 1 of the **Police Forces (Restriction of Rights) Act, 1966** (Act 33 of 1966), the Governor is pleased hereby to appoint the 1st day of November, 1970 as the date on which the said Act shall come into force in the State of West Bengal.

Published in the *Calcutta Gazette*, Part I, dated October 8, 1970

LAND AND LAND REVENUE DEPARTMENT

24-PARGANAS,—No. 11422-L.Ref./8P-10/70.—19th August 1970.—In exercise of the power conferred by clause (1) of section 2 of the **West Bengal Alienation of Land (Temporary Provisions) Act 1954** (West Bengal Act XXXVII of 1954), the Governor is pleased to appoint Shri R. Sen. Deputy Magistrate and Deputy Collector, Alipore, to discharge the functions of a Collector under the said Act in the Sadar sub-division of the district of 24-Parganas.

PART XI

MADHYA PRADESH ACTS ORDINANCES AND NOTIFICATIONS

—: o :—

Published in the *Madhya Pradesh Gazette*, dated February 6, 1970

No. 567-9571-XIV-I.—Bhopal, the 22nd January, 1970.—In exercise of the powers conferred by sub-section 1 of section 38 of the Madhya Pradesh Agricultural Produce Market Act, 1960 (19 of 1960), the State Government hereby makes the following rules to amend the Madhya Pradesh Agricultural Produce Markets Rules, 1962, the same having been previously published as required by the said sub-section, namely:—

Rules

1. *Short title*.—These rules may be called the **Madhya Pradesh Agricultural Produce Markets (Amendment) Rules, 1969**.

2. Insertion of new Part I-A.—After part I of the Madhya Pradesh Agricultural Produce Markets Rules, 1962, the following part shall be inserted, namely:—

‘Part I-A.—Constitution of the Committee in-Charge.

2-A. *Constitution*—(1)—The Committee to be appointed by the State Government under clause (b) of sub-section (1) of section 7-A shall consist of not exceeding seven members of whom—

(i) two third of the total number of members shall be the representative of agriculturists ;

(ii) one member shall be the representative of traders ; and

(iii) one member shall be the representative of a local authority or warehousing corporation or a Co-operative Marketing Society.

(2) The State Government shall appoint one member of the Committee as Chairman and shall also appoint one other member as Vice-Chairman’.

—T—

Published in the *Madhya Pradesh Gazette*, Part 4 (Ga), No. 12, dated March 21, 1969.

No. 597-487-XII.—Bhopal, the 21st January, 1969.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (No 67 of 1957), the State Government hereby makes the following amendments in the **Madhya Pradesh Minor Minerals Rules 1961**, namely:—

In the said rules —

1. In the title of Chapter III, for the word “Review the words “Review and Appeal” shall be substituted.

2. In Chapter III after rule 32, the following rule shall be added, namely:—

“32-A *Appeal*—(1) Where any power exercisable by the State Government under these rules in relation to any matter, is delegated to the Director of Geology and Mining or Commissioner or Collector under section 26 of the Act or rule 37-A, then no application for the

review of an order shall be made as provided in sub-rule (1) of rule 28, and an appeal shall lie from every original order under these rules—

(a) if such an order is passed by the Collector, to the Commissioner, and

(b) if such an order is passed by the Director of Geology and Mining or Commissioner, to the State Government.

(2) The provisions of rules 28, 29, 30, 31 and 32 shall, mutatis mutandis, apply to all appeals under these rules as they apply in relation to an application for review.

3. After rule 37, the following rule shall be inserted, namely :—

“37-A *Delegation of Powers and functions.*—The State Government may, by notification in the official Gazette direct that any power or function which may be exercised or performed by it under these rules may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by such officer or authority subordinate to the State Government, as may be specified in the notification.”

Published in the *Madhya Pradesh Gazette* dated June 13, 1969 .

No. 1719-928-IF-A(2) —Bhopal, the 31st May 1969.—In exercise of the powers conferred by section 23 of the Madhya Pradesh Motor Vehicles Taxation Act, 1947 (6 of 1947), the State Government hereby makes the following rules further to amend the Madhya Pradesh Motor Vehicles Taxation Rules, 1947, namely :—

1. *Short title.*—These rules may be called the **Madhya Pradesh Motor Vehicles Taxation (Amendment) Rules, 1969.**

2. *Amendment of rule 3.*—In rule 3 of the Madhya Pradesh Motor Vehicles Taxation Rules, 1947, for sub-rule (1), the following sub-rule shall be substituted namely :—

“(1) The Taxation Authority shall be the Regional Transport Officer, the Additional Regional Transport Officer and the Assistant Regional Transport Officer of the Region :

Provided that in the case of a transport vehicle of another State brought in to the state for temporary use, the Taxation Authority shall be the Deputy Transport Commissioner (Administration) and the Assistant Transport Commissioner (Taxation).”

The Madhya Pradesh Van Upaj (Vyapar Vaniyaman) Adhiniyam, 1969.

(Received the assent of the President on the 31st July, 1969 assent first published in the “Madhya Pradesh Gazette” (Extraordinary), dated the 2nd August, 1969.)

Madhya Pradesh Act No. 9 of 1969.

An Act to make Provision for regulating in the Public interest the trade of certain forest produce by creation of State monopoly in such trade.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madhya Pradesh Van Upaj (Vyapar Vaniyaman) Adhiniyam, 1969.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force—

(i) at once in such areas and in respect of such forest produce as have been specified by notification issued under sub-section (3) of section 1 of the Madhya Pradesh Van Upaj (Vyapar Vaniyaman) Adhyadesh, 1969 (9 of 1969), repealed under section 23; and

(ii) in such other area or areas and in relation to such other forest produce and on such date or dates as the State Government may, by notification, specify in this behalf.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “agent” means an agent appointed under section 4;

(b) “Code” means the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959);

(c) “Committee” means an advisory Committee constituted for each Revenue Commissioner’s division under sub-section (1) of section 6;

(d) “forest produce” means Timber, Khair, Catochu (Katha), Catechin (Cutch), Kulu gume, Dhawara gum, Khair gum, Babool gum, Sal resin, Salai resin (Cheed gum), Roshā grass, Roshā grass oil, Lac in all forms, Shellac, Mahua flowers, Tori or Gulli (Mahua Seeds), Chiroji Gut-bli, Chiroji, Harra and Kacharia, Mahul leaves and Mahul bark and phool-bahari grass or phool bahari;

(e) “Government lessee” means a person holding land from the State Government under section 181 of the Code;

(f) “grower of forest produce” means—

(i) in respect of forest produce grown or found in areas as may from time to time, be constituted as reserved or protected forests under the Indian Forest Act, 1927 (16 of 1927), the State Government, and

(ii) in respect of forest produce grown or found in areas not covered under (i) above,—

(a) the State Government, where the forest produce is grown or found on unoccupied land as defined in clause (z 3) of sub-section (1) of section (2) of the Code;

(b) the tenure holder or a tenant or a Government lessee of the holding or a holder of a service land, as the case may be, in a unit on which the forest produce grows or is found and includes every person who from time to time, claims title to such forest produce through him; and

(c) the Bhoodan holder, under the Madhya Pradesh Bhoodan Yagna Adhiniyam, 1968 (28 of 1968) in a unit or which the forest produce grows or is found and includes every person, who from time to time, claims title to such forest produce through him;

(g) “holding” means—

(i) a parcel of land separately assessed to land revenue and held under one tenure; and

(ii) in reference to land held by a tenant or Government lessee a parcel of land held from a Bhumiswami or the State Government, as the case may be, under one lease or set of conditions;

(h) “holder of a service land” means a person holding land on the condition of rendering service as a village servant;

(i) “licensed vendor” in relation to a specified forest produce means a person to whom a licence is issued under section 13 for retail sale of such forest produce;

(j) “retail sale” means a sale of any specified forest produce not exceeding such quantity as the State Government may, by notification, specify in respect of such specified forest produce;

(k) “specified area” in relation to a specified forest produce means the area specified in notification under sub-section (3) of section 1 for such specified forest produce;

(l) “specified forest produce” in relation to a specified area means

the forest produce specified in notification under sub-section (3) of section 1 for such specified area ;

(m) "tenant" means a person holding land from a Bhumiswami as an occupancy tenant under Chapter XIV of the Code ;

(n) "tenure holder" means a person who holds land from the State Government and who is or is deemed to be a Bhumiswami under the provisions of the Code ;

(o) "timber" means marketable wood, round, sawn or fashioned, straight pieces of and above 2 metres in length standing or felled, of the following :—

Teak	Tectona grandis	Saj	Terminalia	tomentosa.
Sal	Shorea robusta	Mahua	Madhuca	latifolia.
Bija	Pterocarpus mar-	Bhirra	Chloroxylon	swietenia.
	supium			

Tinsa Ongima dalbergoides Karranj Pongamia glabra.
Slisbam Dalbergia latifolia Tendu Diespyros melenoxylon
Dhawra Annogeissus lati-latifolia Lendia Legerstroemia parviflora
excluding fuel.

(p) "unit" means a sub-division of a specified area constituted into a unit under section 3 ;

(q) words and expressions used but not defined in this Act and defined in the Indian Forest Act, 1927 (16 of 1927) shall have the meanings assigned to them in that Act

3. *Constitution of units.*—The State Government may divide every specified area in such number of units as it may deem fit :

Provided that a specified area may be divided into different units for different specified forest produce.

4. *Appointment of agents.*—(1) The State Government may, for the purchase of and trade in, specified forest produce on its behalf, appoint one or more agents in respect of different units for all or any specified forest produce and any such agent may be appointed in respect of more than one unit.

(2) A Gram Panchayat, a Co-operative Society or the Madhya Pradesh State Tribal Co-operative Development Corporation may be appointed as an agent under sub-section (1) for one or more units :

Provided that the Madhya Pradesh State Tribal Cooperative Development Corporation shall be given preference for such appointments.

(3) The terms, conditions and the procedure for appointment of agent shall be such as may be prescribed.

5. *Restriction on purchase or transport of specified Forest produce.*—

(1) On the issue of a notification under sub-section (3), of section 1 with respect to any area, no person other than,—

(a) the State Government ;

(b) an officer of the State Government authorised in writing in that behalf, or

(c) an agent in respect of the unit in which the specified forest produce is grown or found ;

shall purchase or transport such specified forest produce in such area.

Explanation I.—Purchase shall include purchase by barter.

Explanation II.—Purchase of specified forest produce from the

State Government or the aforesaid Government officer or agent or a licensed vendor shall not be deemed to be a purchaser in contravention of the provisions of this Act.

Explanation III.—A person having no interest in the holding who has acquired the right to collect the specified forest produce grown or found on such holding shall be deemed to have purchased such produce in contravention of the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1) —

(a) a grower of forest produce other than Mahua may transport his produce from any place within the unit wherein such produce is grown or is found to any other place in that unit; and a grower of Mahua may possess and transport Mahua from any place within the district where such Mahua is grown or is found to any place within that district;

(b) any person may transport the specified forest produce not exceeding the quantity as may be prescribed from the place of purchase of such produce to the place where such produce is required for his bona-fide use or for consumption;

(c) specified forest produce purchased from the State Government or any officer or agent specified in the said sub-section by any person for manufacture of goods within the State in which such specified forest produce is used as raw material or by any person for sale outside the State or by the licensed vendor may be transported by such person in accordance with the terms and conditions of a permit to be issued in that behalf by such authority and in such manner as may be prescribed; and

(d) any person having right of nistar in any forest in respect of any specified forest produce under any law for the time being in force, may transport such produce for his domestic use or consumption in such quantity and subject to such terms and conditions as may be prescribed.

(3) Any person desiring to sell the specified forest produce may sell them to the aforesaid Government officer or agent at any depot situated within the said unit:

Provided that the State Government, the Government Officer or agent shall not be bound to repurchase the specified forest produce once sold.

6. *Constitution of Advisory Committee* —(1) The State Government shall for each calendar year constitute in respect of each specified forest produce an Advisory Committee for each Revenue Commissioner's Division in the State consisting of not more than nine members as may be notified by the State Government from time to time for the purpose of advising the State Government in the matter of fixation of a fair and reasonable price of each specified forest produce at which such produce may be purchased by the State Government or its authorised officer or agent as are offered for sale in such division in accordance with the provisions of this Act:

Provided that—

(i) two of the members shall be from amongst the traders of such specified forest produce or manufacturers of goods in which such specified forest produce is used as raw materials;

(ii) at least two members shall be from amongst the growers of such specified forest produce other than the State Government;

(iii) one member shall be from amongst the members of Parliament

representing the State, and belonging to Scheduled Tribes; and

(iv) one member shall be from amongst the members of State Legislature belonging to Scheduled Tribes.

(2) It shall also be the duty of the Committee to advise the State Government on such other matters as may be referred to it by the State Government.

(3) The business of the Committee shall be conducted in such manner as may be prescribed.

(4) The members of the Committee shall be entitled to such allowances as may be prescribed.

(5) The Committee shall tender its advice to the State Government within such period as the State Government may, for each Committee, specify in this behalf.

7. *Government to fix price in consultation with Committee.*—The State Government shall after consultation with the Committee constituted under section 6 fix the price at which specified forest produce shall be purchased by it or by any of its authorised officer or agent from growers of specified forest produce in the Revenue Commissioner's division and shall publish the same in the Gazette and in such other manner as may be prescribed not later than the 30th day of June of the calendar year for which the Committee is constituted and the price so fixed shall remain in force up to the end of such calendar year and shall not be altered during that year:

Provided that if the Committee fails to tender advice within the period specified under sub-section (5) of section 6 or such further period not exceeding fifteen days as the State Government may allow, the State Government may proceed to fix the price without consultation of the Committee:—

Provided further that different prices may be fixed for different units, and in so doing regard shall be had amongst other things to:—

(a) prices of specified forest produce obtained or fixed under this Act or any other enactment during the preceding three years in respect of the area comprised in the unit;

(b) quality of the specified forest produce in the unit;

(c) transport facilities available in the unit;

(d) the cost of transport; and

(e) general level of wages for unskilled labour prevalent in the unit.

8. *Opening of depots and publication of the price list, etc., at the depot.*—There shall be set up in each unit such number of depots and at such places as the State Government may, taking into consideration the convenience of the growers of specified forest produce, direct and a price list of specified forest produce fixed by the State Government under section 7 and the hours of business shall be prominently displayed on the notice board kept for the purpose at every such depot.

9. *State Government or agent to purchase specified forest produce.*—1) The State Government or their authorised officer or agent shall be bound to purchase at the price fixed under section 7 specified forest produce offered for sale at the depot during the hours of business:

Provided that it shall be open to the State Government or the authorised officer or the agent to refuse to purchase any specified forest produce which in their opinion is not fit for the purpose of consumption or use as raw material for manufacture or for trade.

Published in the *Madhya Pradesh Gazette*, Part 4 (Ga) dated October 9, 1970.

No. 5058-4026-XVI.—In exercise of the powers conferred by section 30 of the *Minimum Wages Act, 1948* (XI of 1948) in its application to the State of Madhya Pradesh the State Government hereby makes the following further amendments to the *Minimum Wages (Madhya Pradesh) Rules, 1958*, the same having been previously published as required by sub-section (1) of the said section.

The Minimum Wages Madhya Pradesh Amendment Rules 1970.

(1) *Short title*.—These rules may be called the *Minimum Wages (Madhya Pradesh) Amendment Rules, 1970*.

(2) *Amendment of rule 25*.—In the *Minimum Wages (Madhya Pradesh) Rules, 1958*, in sub-rule (6) of rule 25, the words and figures "or the Madhya Pradesh Shops and Establishments Act, 1958" shall be added at the end.

Published in the *Madhya Pradesh Gazette*, Ext. No. 146, dated July 28, 1970/Sravana 6, 1892.

No. 359-4012-XVIII-Nagar-I-70—Bhopal, the 28th July 1970.—In exercise of the powers conferred by the proviso to section 16 (2) of the *Madhya Pradesh Municipalities Act, 1961* (No. 37 of 1961), the State Government hereby extends the term of the *Municipal Committee Mahasamund* for one year from the date of its expiry.

Published in the *Madhya Pradesh Gazette*, Ext., No. 147, dated July 30, 1970/Sravana 8, 1892.

No. 1394-XX-7-70.—Bhopal, the 29th July 1970.—In exercise of the powers conferred by sub-section (7) of section 1 of the *Bhopal Vishwavidyalaya Adhyadesh, 1970* (No. 7 of 1970), the State Government hereby appoints the First August 1970, as the date on which the said Adhyadesh shall come into force.

Published in the *Madhya Pradesh Gazette*, Ext., No. 105, dated April 27, 1970.

No. 1778-1767-II-1 (2).—Bhopal, the 24th April 1970.—In exercise of the powers conferred by sub-section (2) of section 45 of the *Motor Vehicles Act, 1939* (1 of 1939), the State Government hereby directs that in the case of public service vehicles proposed to be used in two or more regions lying in different states, the application under sub-section (1) of the said section shall be made to the State Transport Authority, Madhya Pradesh, Gwalior.

Published in the *Madhya Pradesh Gazette*, Ext., No. 103, dated April 24, 1970.

The University of Saugar (Second Amendment) Ordinance, 1970.
Madhya Pradesh Ordinance No. 2 of 1970.

Promulgated by the Governor in the Twenty-first Year of the Republic of India.

(First published in the "*Madhya Pradesh Gazette*" (Extraordinary), dated the 24th April, 1970.)

An Ordinance further to amend the University of Saugar Act, 1946.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is hereby pleased to make and promulgate the following Order, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the University of Saugar (Second Amendment) Ordinance, 1970.

(2) It shall come into force immediately on its publication in the Gazette.

2. *Insertion of new section for section 43*—For section 43 of the University of Saugar Act, 1946 (XVI of 1946), (hereinafter referred to as the Principal Act), the following section shall be substituted, namely :—

“43. *Chancellor to decide validity of appointment*—If any question arises whether any person has been duly appointed, elected, nominated or co-opted as or is entitled to be a member of any authority or other body of the University or has been duly appointed as an officer of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final”.

3. *Insertion of new section 43-A.*—After section 43 of the Principal Act, the following section shall be inserted, namely :—

“43-A. *Chancellor to review his orders.*—The Chancellor may, either on his own motion or on the application of any party interested, review any order passed by himself or his predecessor in office if he is of the opinion that it is not in accordance with the provisions of this Act, the Statutes, the Ordinances or the Regulations or is otherwise improper and pass such orders in reference thereto as he may think fit.”

4. *Amendments made by sections 2 and 3 to have retrospective effect.*—The amendments made by sections 2 and 3 shall be deemed to have formed part of the principal Act from the commencement thereof.

Dated, the 23rd April, 1970.

K. C. REDDY,

Governor of Madhya Pradesh.

Published in the *Madhya Pradesh Gazette*, Ext., No. 17, dated May 26, 1970.

The Madhya Pradesh Gramo Me Ki Dakhalahit Bhoomi
(Vishesh Upabandh) Adhyadesh, 1970
Madhya Pradesh Ordinance No. 4 of 1970.

Promulgated by the Governor in the Twenty-first year of the Republic of India.

[First published in the “Madhya Pradesh Gazette” (Extraordinary) dated the 26th May, 1970.]

An Ordinance to make special provisions for allotment of unoccupied land to inhabitants of villages in certain circumstances.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to make and promulgate the following Ordinance.

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Madhya Pradesh Gramo Me Ki Dakhalahit Bhoomi (Vishesh Upabandh) Adhyadesh, 1970.

(2) It extends to whole of Madhya Pradesh.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

- (a) "Code", means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) ;
- (b) "inhabitant of a village" means a person who—
 - (i) holds land ; or
 - (ii) works as an agricultural artisan or as an agricultural labourer, in such village or in a village usually cultivated from such village ;
- (c) the words and expressions used in this Ordinance but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

3. *Allotment and settlement of unoccupied land in certain circumstances.*—All unoccupied lands in a village on which inhabitants of such village have, prior to the coming into force of this Ordinance, erected any building for the purpose of residence or proposes ancillary thereto such building exists on the date of coming into force of this Ordinance, shall notwithstanding anything contained in the Code or the rules made thereunder, be allotted and settled with such inhabitants in Bhumiswami rights in accordance with the provisions of this Ordinance :

Provided that nothing contained in this section shall apply to unoccupied land which is—

- (a) within a distance of—
 - (i) 16 (sixteen) kilometres from the limits of a municipal corporation declared by or under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) ;
 - (ii) 8 (eight) kilometres from the limits of a municipality declared by or under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) ;
 - (iii) 3 (three) kilometres from the limits of urban area other than those specified in (i) and (ii) above ;
 - (iv) 1 (one) kilometres on both sides of a national highway specified in, or declared under, the National Highways Act, 1956 (XLVII of 1956) or public road notified under section 2 of the Madhya Pradesh Highway Act, 1936 (XXXIV of 1936).
- (b) set apart under section 237 of the Code for the following purposes—
 - (i) for burial ground and cremation ground ;
 - (ii) for gāothan ;
 - (iii) for thrashing floor ;
 - (iv) for skinning ground ;
 - (v) for public purpose such as road.

4. *Procedure for settlement.*—(1) Every inhabitant of a village to whom section 3 applies shall make an application to the Tahsildar within such period and in such form as may be prescribed.

(2) Subject to the provisions of this Ordinance and the rules made in this behalf, the Tahsildar shall allot and settle unoccupied land with the inhabitant of a village.

5. *Provisions of Ordinance to apply to protected forest on its ceasing to be so.*—As from the date fixed in that behalf in the notification issued under section 34-A of the Indian Forest Act, 1927 (XVI of 1927), as applicable in the State of Madhya Pradesh declaring any forest to be no longer protected forest, the provisions of this Ordinance shall apply, to forest land or waste land as were comprised within such protected

forest on the date of coming into force of this Ordinance (hereinafter referred to as the said date) as if such land was unoccupied land on the said date.

6. *Power to make rules.*—(1) The State Government may make rules generally for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(a) (i) prescription of period and form under sub-section (1) of section 4;

(ii) prescription of manner of allotment and settlement of unoccupied land under sub-section (2) of section 4;

(b) prescription of terms and conditions including a condition of payment of premium subject to which unoccupied land shall be allotted and settled.

(3) All rules made under this Ordinance shall be laid on the table of the Legislative Assembly.

PACHMARHI :

Dated the 25th May 1970.

K. C. REDDY,

Governor, Madhya Pradesh.

Published in the *Madhya Pradesh Gazette* Ext., dated June 6, 1970.

The Madhya Pradesh Ancient Monuments And Archaeological Sites
And Remains (Amendment) Ordinance, 1970.

Madhya Pradesh Ordinance No. 5 of 1970.

Promulgated by the Governor in the Twenty-first year of the Republic of India.

[First published in the "Madhya Pradesh Gazette", (Extraordinary), dated the 6th June, 1970]

An Ordinance to amend the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Act, 1964.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to make and promulgate the following Ordinance.

1. *Short title.*—This Ordinance may be called the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains (Amendment) Ordinance, 1970.

2. *Amendment of section 2*—In section 2 of the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Act, 1964 (No. 12 of 1964), (hereinafter referred to as the Principal Act), for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

"(a) 'Ancient monument' means any building structure erection, monolith or monument or any mound or tumulus or any tomb or place of interment or any cave or any sculpture or inscription on an immovable object which is of historical, archaeological or artistic interest and which has been in existence for not less than hundred years, and includes:—

(i) the remains of such monument,

(ii) the site of such monument,

(iii) such portion of land adjoining the site of such monument as may be required for fencing or covering in or otherwise preserving the monument; and

(iv) the means of access to, and convenient inspection of such monument;

(b) "antiquity" includes—

(i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

(ii) any article, object or thing detached from a building or cave,

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

(iv) any article, object or thing of historical interest, and

(v) any article, object or thing which in the opinion of the State Government because of its historical or archaeological importance is an article, object or thing which it is desirable to preserve declared by the State Government, by notification, to be an antiquity for the purposes of this Act,

which has been in existence for not less than hundred years;

(c) "Archaeological site and remains" means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than hundred years, and includes—

(i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and

(ii) the means of access to, and convenient inspection of the area."

3 *Insertion of new sections 23-A and 23-B.*—After section 23 of the principal Act, the following section shall be inserted, namely:—

"23-A(1) *Declaration as to any antiquity and intimation regarding transfer or acquisition*—Every person who owns or is in possession, custody or control of any antiquity prior to the commencement of the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains (Amendment) Ordinance, 1970, shall, within a period of thirty days from such commencement make a declaration to that effect to such authority and in such form as may be prescribed.

(2) As from the commencement of the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains (Amendment) Ordinance, 1970, every person who—

(a) intends to sell or transfer any antiquity which is in his possession, custody, or control; or

(b) intends to acquire by purchase or otherwise any antiquity; or

(c) comes in possession, custody or control of any antiquity by purchase, gift, inheritance or otherwise; shall give intimation in writing,—

(i) where such person falls under category (a) or (b) above of his intention to sell or transfer or acquire, as the case may be, any such antiquity; and

(ii) where such person falls under category (c) above of the fact of his coming in possession, custody or control of any such antiquity to such authority within such time and in such form as may be prescribed."

"23-B *Report regarding loss of antiquity*—Every person who owns or is in possession, custody or control of any antiquity shall, in the event of its loss or destruction, give intimation within seven days of the loss or destruction thereof to such authority and in such form as may be prescribed and on his failure to do so it shall, unless the contrary is proved, be presumed that he has disposed of the antiquity in contravention of the provisions of section 23-A."

4. *Amendment of section 29.*—For sub-section (1) of section 29 of the Principal Act, the following sub-section shall be substituted; namely:—

“(1) whoever—

(i) destroys, removes, injures, alters, defaces, imperils or misuses a State-protected monument; or

(ii) being the owner or occupier of a State-protected monument, contravenes an order made under sub-section (1) of section 8 or under sub-section (1) of section 9; or

(iii) removes from a State protected monument any sculpture, carving, image, bas-relief, inscription, or other like objects; or

(iv) does any act in contravention of sub-section (1) of section 19, or

(v) removes any antiquity in contravention of sub-section (1) of section 23; or

(vi) (a) fails to make a declaration under sub-section (1) of section 23-A; or

(b) fails to give intimation under sub-section (2) of section 23-A; or

(vii) fails to give intimation under section 23-B; shall,—

(a) in the case of an offence falling under clause (i), (ii) or (iii) be punishable with imprisonment which may extend to three years and in the absence of special and adequate reasons to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and in addition may be punishable with fine which may extend to ten thousand rupees;

(b) in the case of an offence falling under clause (iv), (v), (vi) or (vii) be punishable with imprisonment which may extend to three years or with fine which may extend to ten thousand rupees, or with both;

and in the case of an offence falling under clause (vi) or (vii) the court may, in addition, order the forfeiture of the authority in respect of which offence has been committed.”.

5. *Amendment of section 37.*—In sub-section (2) of section 37 of the Principal Act, after clause (e) the following clause shall be inserted, namely :—

“(ee) (i) the authority to which and the form in which declaration shall be made under sub-section (1) of section 23-A;

(ii) the authority to which, the time within which and the form in which intimation shall be given under sub-section (2) of section 23-A;

(eee) the authority to which and the form in which intimation shall be given under section 3-B.”.

PACHAMARHI:

K. C. REDDY,

Governor,

Madhya Pradesh

Dated the 6th June 1970.

Published in the *Madhya Pradesh Gazette*, Ext. No. 137, dated
July 8, 1970

The Madhya Pradesh Sahayata Upkram (Vishesh Upbandh) Sanshodhan
Adyadesh, 1970.

Madhya Pradesh Ordinance No. 8 of 1970

Promulgated by the Governor in the Twenty first Year of the
Republic of India.

First published in the “Madhya Pradesh Gazette” (Extraordinary),
he dated 8th July 1970.

An Ordinance to amend the Madhya Pradesh Sahayata Upkram (Vishesh Upbandh) Adhiniyam, 1965:

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas the previous instructions of the President have been obtained as required by the proviso to clause (1) of Article 213 of the Constitution of India;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to make and promulgate the following Ordinance:—

1. *Short Title*,—This Ordinance may be called the Madhya Pradesh Sahayata Upkram (Vishesh Upbandh) Sanshodhan Adhyadesh, 1970.

2. *Amendment of section 3*.—For sub-section (2) of section 2 of the Madhya Pradesh Sahayata Upkram (Vishesh Upbandh) Adhiniyam, 1965 (25 of 1965), the following sub-section shall be substituted, namely:—

“(2) A notification under sub-section (1) shall have effect for such period not exceeding five years as may be specified in the notification:—

Provided that if the State Government is of opinion that it is expedient in the public interest that any such notification should continue to have effect after the expiry of the period of five years aforesaid, it may, from time to time, issue directions for such continuance for such period, not exceeding one year at a time as may be specified in the direction so however that the total period of such continuance (after the expiry of the said period of five) does not exceed ten years; and where any such direction is issued, a copy thereof shall be laid, as soon as may be, on the table of the Legislative Assembly.

BHOPAL:

Dated, the 6th July 1970.

K. C. REDDY,

Governor, Madhya Pradesh.

Published in the *Madhya Pradesh Gazette*, Ext., No. 148, dated July 30, 1970.

The Madhya Pradesh Agricultural Produce Markets (Amendment and Validation) Ordinance, 1970.

Madhya Pradesh Ordinance No. 9 of 1970.

Promulgated by the Governor in the Twenty-first Year of the Republic of India.

First published in the “Madhya Pradesh Gazette” (Extraordinary) dated the 30th July, 1970:

An Ordinance further to amend the Madhya Pradesh Agricultural Produce Markets Act, 1960 and to validate certain actions taken by the Officer-in-Charge or Committee-in-Charge.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to make and promulgate the following Ordinance:—

1. *Short title and commencement* —(1) This Ordinance may be called the Madhya Pradesh Agricultural Produce Markets (Amendment and Validation) Ordinance, 1970.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 7-A.*—In the first proviso to sub-section (1) of section 7-A of the Madhya Pradesh Agricultural Produce Markets Act, 1960 (No. 19 of 1960) (hereinafter referred to as the principal Act), for the words "two years", the words "three years" shall be substituted.

3. *Amendment made by section 2 to have retrospective effect.*—The amendment made by section 2 shall be deemed to have formed part of the Principal Act with effect from the 7th July, 1970.

4. *Validation.*—Every Officer-in-Charge or Committee-in-Charge appointed under section 7-A of the Principal Act that continued to hold office after the 6th July, 1970 shall be and shall be deemed always to have been validly continued in office as if the period of his/its appointment was extended under the proviso to sub-section (1) of section 7-A as amended by section 2 of this Ordinance and all things done, proceedings and action taken and orders passed by the Officer-in-Charge or Committee-in-Charge during the period commencing from the 7th July, 1970 and ending on the date immediately preceding the date of coming into force of this Ordinance shall be and shall be deemed always to have been validly done, taken or passed, as the case may be, and the validity of such thing proceedings, action or order shall not be called into question in any court of law or before any other authority whatsoever merely on the ground of defect in the continuance of Officer-in-Charge or Committee-in-Charge during the aforesaid period.

Bhopal :

Dated, the 29th July 1970.

K. C. REDDY,

Governor, Madhya Pradesh.

The Madhya Pradesh Salaries and Allowances of Ministers (Amendment) Act, 1970.

Received the assent of the Governor on the 2nd February, 1970, and was published in the *Madhya Pradesh Gazette*, (Extraordinary), dated the 5th February, 1970.

Madhya Pradesh Act No. 1 of 1970.

An Act further to amend the Madhya Pradesh Salaries and Allowances of Ministers Act, 1956.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Salaries and Allowances of Ministers (Amendment) Act, 1970.

2. *Substitution of new section for section 2.*—For section 2 of the Madhya Pradesh Salaries and Allowances of Ministers Act, 1956 (V of 1956) (hereinafter referred to as the Principal Act), the following section shall be substituted, namely :—

"2. *Salaries of Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries.*—There shall be paid to each Minister, a salary of one thousand rupees per mensem ; to each Minister of State a salary of eight hundred and fifty rupees per mensem ; to each Deputy Minister, a salary of seven hundred and fifty rupees per mensem ; and to each Parliamentary Secretary, a salary of six hundred and fifty rupees per mensem."

3. *Amendment of section 4*—For sub-section (2) of section 4 of the Principal Act, the following sub-section shall be substituted, namely :—

"(2) If a Minister or a Minister of State or a Deputy Minister or a

Parliamentary Secretary does not avail of the benefit of sub-section (1), he shall, in lieu thereof, be entitled to a house rent allowance, which in the case of a Minister and a Minister of State shall be one hundred rupees per mensem and in the case of a Deputy Minister and a Parliamentary Secretary seventy five rupees per mensem."

4 *Substitution of new section for section 6.*—For section 6 of the Principal Act, the following section shall be substituted, namely:—

'6 *Conveyance to Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries.*—(1) There shall be provided to each Minister, to each Minister of State, to each Deputy Minister and to each Parliamentary Secretary for his use a suitable motor vehicle purchased and maintained at public expense in accordance with the rules to be made by the State Government in that behalf.

(2) The State Government shall also provide at public expense a chauffeur for each such motor vehicle and also supply for each motor vehicle, motor fuel consumed for journeys (other than journeys for which travelling allowance is admissible) performed by each such motor vehicle subject to a maximum of three hundred and fifty litres per month in the case of a motor vehicle provided to a Minister, three hundred litres per month in the case of a motor vehicle provided to a Minister of State two hundred and seventy-five litres per month in the case of a motor vehicle provided to a Deputy Minister, and two hundred and fifty litres per month in the case of a motor vehicle provided to a Parliamentary Secretary."

5. *Omission of section 6A.*—Section 6-A of the Principal Act shall be omitted.

6. *Substitution of new section for section 7.*—For section 7 of the Principal Act the following section shall be substituted, namely:—

'7. *Medical attendance and treatment, etc., to Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries.*—Subject to any rules made in this behalf by the State Government, a Minister, a Minister of State, a Deputy Minister and a Parliamentary Secretary and the members of the family of the Minister, the Minister of State, the Deputy Minister or the Parliamentary Secretary, as the case may be, who are dependent upon him shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and also to medical attendance and treatment."

7. *Amendments to have retrospective effect.*—(1) The amendments made by sections 2, 3, 4 and 5 shall be deemed to have formed part of the Principal Act with effect from the 11th April, 1969.

(2) The amendment made by section 6 shall be deemed to have formed part of the Principal Act from the commencement thereof.

8. *Repeal.*—The Madhya Pradesh Salaries and Allowances of Ministers (Amendment) Ordinance, 1969 (No. 15 of 1969) is hereby repealed.

The Madhya Pradesh Agricultural Produce Markets (Amendment and Validation) Act, 1970

Received the assent of the Governor on the 6th February, 1970, and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated, the 7th February, 1970.

Madhya Pradesh Act, No. 2 of 1970.

An Act further to amend the Madhya Pradesh Agricultural Produce

Markets Act, 1960 and to validate certain actions taken by the Officer-in-Charge.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows:—

1. *Short title*—This Act may be called the Madhya Pradesh Agricultural Produce Markets (Amendment and Validation) Act, 1970.

2. *Substitution of new section for section 7-A*—For section 7-A of the Madhya Pradesh Agricultural Produce Markets Act, 1960 (No. 19 of 1960) hereinafter referred to as the Principal Act), the following section shall be substituted, namely:—

“7-A (1) *Appointment of Officer-in-Charge or Committee-in-Charge pending constitution of first market committee*—When a market is established for the first time under this Act, the State Government shall, by notification, appoint—

(a) a person to be the Officer-in Charge; or

(b) a committee consisting of not exceeding seven persons to be constituted in the manner prescribed to be the Committee-in Charge;

for a period not exceeding one year. The Officer-in-Charge or the Committee-in-Charge shall subject to the control of the State Government exercise all the powers and perform all the duties of the market committee under this Act:

Provided that the State Government may, from time to time, extend the period of appointment of the Officer-in-Charge or the Committee-in-Charge by such further period as it may think fit, so however that the total period does not exceed two years:

Provided further that the State Government may at any time during the period aforesaid appoint Committee-in-Charge in place of Officer-in-Charge and Officer-in-Charge in place of Committee-in-Charge, and the Officer-in-Charge or Committee-in-Charge as the case may be, so appointed shall hold office or shall function for the remainder of the period available to his Predecessor:

Provided also that if the market committee is constituted before the expiration of the period aforesaid, the Officer-in-Charge shall cease to hold office or the Committee-in-Charge shall cease to function on the date appointed for the first general meeting of the newly constituted market committee.

(2) Any person appointed Officer-in-Charge under sub-section (1) shall receive from the market committee fund for his services such pay and allowances as may be fixed by the State Government and every member of the Committee-in-Charge shall receive allowances at such rate at which allowances are payable to members of the market committee.”

3. *Amendment made by section 2 to have retrospective effect*—The amendment made by section 2 shall be deemed to have formed part of the Principal Act with effect from the 7th July, 1968.

4. *Validation*—Every Officer-in-Charge appointed under section 7 A of the Principal Act who continued to hold office after the 6th July, 1969 shall be and shall be deemed always to have been validly continued in office as if the period of his appointment was extended under the proviso to sub-section (1) of section 7-A as substituted by section 2 of the Madhya Pradesh Agricultural Produce Markets (Amendment and Validation) Ordinance, 1969 (No. 13 of 1969) and all things done, proceedings and action taken and orders passed by the Officer-in-Charge during the period commencing from the 7th July, 1969 and ending on the 18th August,

1969 shall be and shall be deemed always to have been validly done, taken or passed; as the case may be, and the validity of such thing, proceeding, action or order shall not be called into question in any Court of law or before any other authority whatsoever merely on the ground of defect in the continuance of Officer-in-Charge during the aforesaid period.

5 *Repeal*.—The Madhya Pradesh Agricultural Produce Markets (Amendment and Valuation) Ordinance, 1969 (No. 13 of 1969) is hereby repealed,

The Madhya Pradesh Panchayats (Amendment And Validation) Act, 1970.

Received the assent of the Governor on the 7th February, 1970; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 9th February, 1970.

Madhya Pradesh Act No. 3 of 1970.

An Act further to amend the Madhya Pradesh Panchayat Act, 1962 and to validate election, appointment or co-optation of certain persons in the service of the State Government as Panchas of Gram Panchayats.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows:—

1. *Short title*.—This Act may be called the Madhya Pradesh Panchayats (Amendment and Validation) Act, 1970.

2. *Amendment of section 17*.—For clause (d) of sub-section (1) of section 17 of the Madhya Pradesh Panchayats Act, 1962 (No. 7 of 1962), (hereinafter referred to as the Principal Act), the following clause shall be substituted namely:—

"(d) holds an office of profit under the Panchayat or is in the service of any other local authority or the central or State Government;

Provided that no person shall be deemed to have incurred disqualification under this clause by reason of his being appointed as a Patel under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959); or."

3. *Amendment of section 24*.—For sub-section (1) of section 24 of the Principal Act, the following sub-section shall be substituted, namely:—

"(1) In a motion of no confidence being passed by the Gram Panchayat by a resolution passed by majority of more than one half of the total number of Panchas constituting the Gram Panchayat for the time being, the Sarpanch or Up-Sarpanch against whom such motion is passed, shall cease to hold office with effect from the date immediately next after the date on which such motion is passed."

4. *Amendment of section 30*.—For sub-section (4) of section 30 of the Principal Act, the following sub-section shall be substituted, namely:—

"(4) The quorum for a meeting of the Gram Panchayat shall be one-third of the total number of members. If the quorum is not present at a meeting, the presiding authority shall adjourn the meeting to such time on the following day or some future date as it may fix. A notice of the meeting so fixed shall be pasted in the office of the Gram Panchayat. The business, which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of, at the meeting so fixed or at any subsequent adjourned meeting whether there is quorum present or not provided that not less than one fifth of the total number of Panchas are present."

5. *Amendment of section 225.*—To sub-section (1) of section 225 of the Principal Act, the following proviso shall be added, namely:—

“Provided that the provisions of this sub-section shall not apply to—

(i) the disputes referred to the Nyaya Panchayat by a Gram Panchayat; and

(ii) the disputes or which are compendable with the permission of the court.”.

6. *Amendment made by section 2 to have retrospective effect.*—Amendment made by section 2 shall be deemed have formed part of the Principal Act from the commencement thereof.

7. *Validation of certain election appointment or co-option.*—Notwithstanding any judgment, decree or order of any court any person who having been appointed a Patel under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) was, while holding that office, elected, appointed or co-opted, as the case may be, as a Panch of a Gram Panchayat under the Principal Act, prior to the 19th November, 1969 shall and shall be always be deemed to have been validly elected, appointed or co-opted, as the case may be, as such Panch, as if the amendment made by section 2 in section 17 of the principal Act, had been in force at all material times.

8. *Repeal.*—The Madhya Pradesh Panchayats (Amendment and Validation) Ordinance, 1969 (No. 22 of 1969) is hereby repealed.

The Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Amendment Act 1970.

Received the assent of the Governor on the 7th February, 1970; and was first published in the “Madhya Pradesh Gazette” (Extraordinary) dated the 9th February, 1970.—

Madhya Pradesh Act No. 4 of 1971.

An Act further to amend the Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Act 1958.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Amendment Act, 1970.

2. *Amendment of section—*(2) After clause (d) of section 2 of the Madhya Pradesh Sugarcane (Regulation of supply and Purchase) Act, 1958 (No. 1 of 1959) (hereinafter referred to as the Principal Act), the following clause shall be inserted, namely :—

“(d-i) ‘cane development’ means and includes—

(i) (a) improvement of land ;

(b) construction of wells and other works for supply of water ; and

(c) purchase of seeds, pesticides fertilizers and irrigation and other mechanical equipment; for purposes of cultivation of sugarcane; and

(ii) such other matters as the State Government may from time to time, by notification, declare to be cane development.”

3. *Amendment of section 20.*—For sub-section (2) of section 20 of the Principal Act, the following sub-sections shall be substituted, namely :—

(2) Upon the delivery of cane, the occupier shall subject to the deductions specified in sub-section (2-a), be liable to pay immediately the price of the cane so supplied, together with all other sums connected

therewith and where the supplies have been made through a purchasing agent, the purchasing agent shall similarly be liable in addition to the occupier.

(2-a) Where a cane-grower or a cane-growers Co-operative Society, as the case may be, to whom price is payable under sub-section (1) has borrowed a loan for cane development from any agency notified by the State Government in this behalf, the occupier or the purchasing agent, as the case may be, shall be, on being authorised by that agency so to do, entitled to deduct from the price so payable, such amount as may be prescribed, towards the recovery of such loan and pay the same to the agency concerned forthwith."

4. *Amendment of section 30.*—After clause (1) of sub-section (2) of section 30 of the Principal Act, the following clause shall be inserted, namely :—

"(1-1) deduction of amount under sub-section (2-a) of section 20."

5. *Repeal.*—The Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Amendment Ordinance, 1969 (No. 23 of 1969), is hereby replaced.

The Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Sanshodhan Adhiniyam, 1970.

Received the assent of the Governor on the 7th February, 1970 ; and was published in the Madhya Pradesh Gazette (Extraordinary), dated the 9th February, 1970.

Madhya Pradesh Act No. 5 of 1970.

An Act further to amend the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Sanshodhan Adhiniyam, 1970.

2. *Substitution of new section for section 3.*—For section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 (No. 27 of 1966) (hereinafter referred to as the Principal Act), the following section shall be substituted, namely :—

"3 *Levy of tax on land under commercial crops.*—(1) Notwithstanding anything contained in the Code, there shall be levied for each agricultural year a tax on all lands under commercial crops during such year at the rate specified below :—

- (i) in the case commercial crops Two rupees per acre or part there-specified in part I of the of in excess of half an acre.
Schedule.
- (ii) in the case of commercial Four rupees per acre or part there-crops specified in Part II of in excess of half an acre :
of the Schedule.

Provided that where such part is half an acre or less but not less than quarter of an acre, the tax levied for such part shall, —

- (i) in the case of a commercial crop specified in Part I, be one rupee ; and
- (ii) in the case of a commercial crop specified in Part II, be two rupees ;

Provided further that no tax shall be levied for a part less than quarter of an acre.

(2) The tax levied under sub-section (1) shall be in addition to any tax payable to the State Government for such land under any enactment for the time being in force and shall be payable by the

tenure holder, occupancy tenant, Government lessee or holder of a service land, as the case may be, under the Code in the same manner as land revenue."

3. *Insertion of new section 3-A*—After section 3 of the Principal Act, the following section shall be inserted, namely:—

"3-A. *Exemption of certain land under commercial crops from payment of tax*.—No tax shall be payable in respect of an uneconomic holding under commercial crops:

Explanation I.—For the purposes of this section,—

(a) "uneconomic holding under commercial crops" shall mean a holding the extent of which is seven and half acres or less or any holding the land revenue payable in respect whereof does not exceed five rupees;

(b) "holding" shall mean the entire land held by a person in the State notwithstanding the fact that any portion thereof is separately assessed to land revenue; and

(c) "land revenue" shall not include moneys payable to the State Government for land by way of premium, rent or lease money in respect of land leased out for a period of less than five years or quit rent.

Explanation II.—For the purpose of clause (b) of Explanation I, "entire land held by a person in the State" shall mean—

(a) the entire land held by a person in the State individually and shall include—

(i) where land is held by such person jointly with one or more persons, so much portion of the land as falls to his share; and

(ii) land held by such person as Bhoodan holder under the Madhya Pradesh Bhoodan Yagna Act, 1968 (No. 28 of 1968), and

(b) where land is held by a person jointly with one or more persons, the single holding so jointly held."

4. *Substitution of new Schedule for existing Schedule*.—For Schedule to the principal Act, the following Schedule shall be substituted namely:—

"Schedule

[See section 2(b)]

PART I.

Cotton

Ground nut.

PART II.

Opium

Sugarcane.

Tobacco.

Mesta.

Sun hemp when grown except for the purpose of green manuring."

5. *Repeal*.—The Madhya Pradesh Vanijya Fasal (Bhumi Par. Kar) Sanshodhan Adhyadesh, 1969 (No. 21 of 1969) is hereby repealed.

The Madhya Pradesh Shasakiya Sevak (Adhivarsiki Ayu)

Sanshodhan Adhiniyam, 1970.

Received the assent of the Governor on the 10th February, 1970; and was published in the Madhya Pradesh Gazette (Extraordinary), dated the 12th February, 1970.

Madhya Pradesh Act No. 6 of 1970.

An Act to amend the Madhya Pradesh Shasakiya Sevak (Adhivarsiki Ayu) Adhiniyam, 1967.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows:—

1. *Short title*.—This Act may be called the Madhya Pradesh Shasakiya Sevak (Adhivarsiki Ayu) Sanshodhan Adhiniyam, 1970.

2. Amendment of Schedule.—In the Schedule to the Madhya Pradesh Shasakia Sevak (Adhivarshiki Ayu) Adhiniyam, 1967 (29 of 1967) (hereinafter referred to as the Principal Act), after rule 4 of the Madhya Pradesh (Anivarya Seva Nivritti Ayu) Niyam, 1967, the following rule shall be inserted, namely:—

“4-A. Notwithstanding anything contained in rule 4, a Government Servant who had been a freedom fighter may, on production of a certificate in the form below and subject to his otherwise being fit to be continued in service, be given extension of service beyond the age of 55 years for such period not exceeding the period for which such government servant was in actual detention and/or imprisonment including the period undergone as undertrial in connection with the freedom movement, subject to maximum of three years.

Explanation.—For the purposes of this rule “a freedom fighter” means a Government servant who was detained and/or imprisoned on account of his political activities in connection with freedom movement during the period from 1919 to 1948.

FORM OF CERTIFICATE

Certified that Shri.....S/o..... R/o..... was imprisoned and/or detained in connection with the freedom movement at the place, for the period and under the provisions of the law mentioned below.

Place	Period	Provision of law under which imprisoned or detained.
-------	--------	--

Dated this

District Magistrate.

Seal

3. Retrospective effect to amendment made by section 2.—The amendment made by section 2 shall be deemed to have formed part of the principal Act with effect from the 26th day of June, 1969.

4. Repeal.—The Madhya Pradesh Shasakia Sevak (Adhivarshiki) Ayu) Sanshodhan Adhyadesh, 1969 (No. 12 of 1969) is hereby repealed.

The Awadheesh Pratap Singh Vishwavidyalaya (Rajisthikrit Snatakon Ka Sabha Ke Liye Nirvachan Karane Hetu Vishesh Upabandh) Adhiniyam, 1970.

Received the assent of the Governor on the 10th February, 1970, and was published in the ‘Madhya Pradesh Gazette’ (Extraordinary), dated the 12th February, 1970.

Madhya Pradesh Act No. 7 of 1970.

An Act to cancel the election proceedings for election of representatives of registered graduates on the court of the Awadheesh Pratap Singh Vishwavidyalaya and to make provision for enrollment of graduates in the register of registered graduates to ensure their proper representation thereon.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth year of the Republic of India as follows:—

1. Short title.—This Act may be called the Awadheesh Pratap Singh Vishwavidyalaya (Rajisthikrit Snatakon Ka Sabha Ke Liye Nirvachan Karane Hetu Vishesh Upabandh) Adhiniyam, 1970.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Adhiniyam" means the Awadhesh Pratap Singh Vishwavidyalaya Adhiniyam, 1968 (No. 22 of 1968) :

(b) "Court" means the Court of the Vishwavidyalaya;

(c) "Vishwavidyalaya" means the Awadhesh Pratap Singh Vishwavidyalaya, Rewa;

(d) The words and expressions used in this Act and not defined herein but defined in the Adhiniyam shall have the meanings assigned to them in that Adhiniyam.

3. *Cancellation of certain election proceedings for election to Court.*—Notwithstanding anything contained in the Adhiniyam or the statutes and Ordinances made thereunder, the election proceedings in progress in connection with the election of representatives of registered graduates on the court under clause (xxi) of sub-section (1) of section 19 of the Ravishankar University Act, 1963 (No. 13 of 1963) as applicable to the Vishwavidyalaya, immediately before the 31st August, 1969 shall stand lapsed.

4. *Enrollment of registered graduates for first election to Court.*—Notwithstanding anything contained in the Adhiniyam or the statutes or Ordinances made thereunder the persons specified in section 47 of the Ravishankar University Act, 1963 (No. 13 of 1963) as applicable to the Vishwavidyalaya who got themselves enrolled in the register of registered graduates in accordance with the provisions of section 4 of the Adhyadesh repealed under section 5, shall be qualified to stand as a candidate and vote at the first election of representatives of registered graduates on the Court under clause (xxi) of sub-section (1) of section 19 of the aforesaid Act, as applicable to the Vishwavidyalaya.

5. The Awadhesh Pratap Singh Vishwavidyalaya (Raglatrikrit Snatakon Ka Sabha Ke Liye Nirvachan Karane Hetu Vishesh Upabandh) Adhyadesh, 1969 (No. 14 of 1969) is hereby repealed.

The Madhya Pradesh Land Revenue Code (Amendment) Act, 1970.

Received the assent of the Governor on the 11th February, 1970, and was published in the *Madhya Pradesh Gazette*, (Extraordinary), dated the 13th February, 1970

Madhya Pradesh Act No. 9 of 1970.

An Act further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title*—This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 1970.

2. *Amendment of section 155*—In section 155 of the Madhya Pradesh Land Revenue Code, 1950 (No. 20 of 1959) (hereinafter referred to as the Principal Act),—

(a) after clause (b), the following clause shall be inserted, namely :—

(bb) all moneys guaranteed by the State Government to the extent of amount guaranteed under a contract of guarantee which provides that they shall be recoverable in the same manner as an arrear of land revenue; and

(b) after clause (d) and the proviso thereto, the following clause shall be added, namely :—

"(e) all moneys becoming payable to the Madhya Pradesh State Agro Industries Development Corporation Limited, on account of penalty, cost of agricultural implements or other materials sold by the Corporation to agriculturist for the purpose of agriculture or improvement of

land or otherwise, under any agreement of sale of such implements of materials by the said Corporation :

Provided that no action shall be taken on application for recovery of a sum specified in this clause, unless such application is accompanied by a certificate signed by the Managing Director of the said Corporation that the sum should be recovered as an arrear of land revenue."

3. *Amendment of section 165.*—After sub-section (9-a) of section 165 of the Principal Act, the following sub-section shall be inserted, namely :—

"(9-b) Nothing in this section shall prevent a Bhumiswami from transferring any right in his land to secure payment of an advance made to him by a Commercial Bank, for purpose of agriculture or improvement of holding or shall affect the right of any such Bank to sell such right for the recovery of such advance."

4. *Repeal.*—The Madhya Pradesh Land Revenue Code (Amendment) Ordinance, 1969 (No. 24 of 1969) is hereby repealed.

The Madhya Pradesh General Sales Tax (Amendment and Validation) Act, 1970.

Received the assent of the Governor on the 10th February, 1970, and was published in the *Madhya Pradesh Gazette*, (Extraordinary), dated the 18th February, 1970.

Madhya Pradesh Act No. 10 of 1970.

An Act further to amend the Madhya Pradesh General Sales Tax Act, 1958, and to validate certain proceedings thereunder.

Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh General Sales Tax (Amendment and Validation) Act, 1970.

2. *Amendment of section 2* —In section 2 of the Madhya Pradesh General Sales Tax Act, 1958 (2 of 1959), (hereinafter referred to as the Principal Act), for clause (i), the following clause shall be substituted, namely :—

"(i) 'Manufacture' includes any process or manner of producing, collecting, extracting, preparing or making any goods, and in respect of trees which have been severed from the land or which have been felled, also the process of lopping the branches, cutting the trunks or converting them into logs, poles or ballies or any other articles of wood, but does not include such manufacturers or manufacturing processes as may be prescribed ;"

3. *Amendment of section 8.*—In sub-section (1) of section 8 of the Principal Act, for the words "in course of inter State trade or commerce", the words "in course of inter State trade or commerce or in course of export out of the territory of India" shall be substituted.

4. *Amendment of section 18.*—In section 18 of the Principal Act, after sub-section (7), the following sub-section shall be inserted, namely :—

"(8) The assessment shall be made under this section—

(i) in respect of a registered dealer, within a period of five calendar years from the end of the period for which assessment is to be made ; and

(ii) in respect of a dealer who has failed to apply for registration, within a period of five calendar years from the commencement of proceedings under sub-section (6) :

Provided that—

(a) where a fresh assessment has to be made to give effect, to any finding or direction contained in any order under section 38, 39 or 44, or to any order of the High Court or the Supreme Court such assessment shall be made, within a period of three calendar years from the date of order containing such finding or direction or the order of the High Court or the Supreme Court, as the case may be ;

(b) where assessment proceedings are pending on the date of commencement of the Madhya Pradesh General Sales Tax (Amendment and Validation) Act, 1969, such assessment shall be made within a period of three calendar years from the date of such commencement or within the period within which such assessment is required to be made in accordance with any other provision of this section, whichever is later ; and

(c) nothing contained in this sub-section shall apply to proceedings initiated under-section 19 or any proceedings other than an assessment of tax that may be instituted under any other provisions of this Act.

5. *Amendment of section 20.*—In section 20 of the Principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Nothing contained in section 18 A or section 19 or sub-section (1-a) of section 52 limiting the time within which any assessment or re-assessment may be made, shall apply to an assessment or re-assessment made in consequence of, or to give effect to, any finding or direction contained in an order under section 38, 39 or 44.”

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) Where any turnover or a part thereof of any dealer has been assessed to tax under this Act or under any of the Acts repealed by section 52 of this Act (hereinafter referred to as the repealed Acts) and not under the Central Sales Tax Act, 1956 (No. 74 of 1956) or vice-versa, but subsequently as a result of any order passed under section 28 or section 39 or section 44 of this Act or under the corresponding provisions of any of the repealed Acts or of an order passed by any Civil or any other competent court, it is held to be assessable under the Central Sales Tax Act, 1956 (No. 74 of 1956), or under this Act or under any of the repealed Acts, as the case may be, then, in consequence of such order or to give effect to any finding or direction contained in such order, such turnover or part thereof, shall, irrespective of the fact that the order previously passed in the other case under the Central Sales Tax Act 1956 (No. 74 of 1956) or under this Act or under any of the repealed Acts, as the case may be, has become final, be assessed or re-assessed to tax, as the case may be, at any time within five years from the date of such order, under the relevant Act, notwithstanding anything contained in section 18, section 18 A, section 19, or section 52 of this Act or of the corresponding provisions in the relevant repealed Act limiting the time within which any assessment or re-assessment may be made.”

6. *Amendment of section 22.*—In section 22 of the Principal Act,—

(a) for the proviso to sub-section (4), the following proviso shall be substituted, namely :—

“Provided that the Commissioner may, for reasons to be recorded in writing,—

(i) grant further time to such dealer ; or

(ii) allow him to pay the tax together with any penalty incurred, by instalments ;

on such conditions as he may deemed fit to impose including a condition to pay interest at such rate as the State Government may, by notification, specify"; and

(b) for sub-section (5), the following sub-section shall be substituted, namely :—

"(5) If any amount of tax or any other amount due under this Act or any of the Acts repealed by section 52 remains unpaid on the expiry of the period prescribed for the payment thereof by or under this Act or on the expiry of the period specified in any notice of demand or order issued or made under this Act or the rules made thereunder for the payment thereof, shall be recoverable as an arrear of land revenue."

7. *Insertion of new section 36-B.*—After section 36-A of the Principal Act, the following section shall be inserted, namely :—

"36-B. *Control on clearing and forwarding agents to prevent or check evasion of tax.*—The State Government may, if it is satisfied that it is necessary so to do with a view to prevent or check evasion of tax under this Act in any place or places in the State, direct that—

(i) every clearing and forwarding agent who during the course of his business handles documents of title to goods or transports goods or despatches or takes delivery of goods and who has his place of business at such places as may be notified by the State Government shall send an intimation about his business in the prescribed form to the prescribed authority in the prescribed manner before the prescribed date; and

(ii) every such clearing and forwarding agent shall maintain a register in such form and containing such particulars of his business as may be prescribed which shall be open to inspection by the Commissioner."

8. *Amendment of section 43.*—In section 43 of the Principal Act, the word "deliberately" shall be omitted.

9. *Amendment of section 46.*—In sub-section (1) of section 46 of the Principal Act, after clause (k), the following clause shall be added, namely :—

"(l) fails to send the intimation required by clause (i) of section 36-B;

(m) fails to maintain a register in accordance with the provisions of clause (ii) of section 36-B or refuses or fails to produce the same when required to do so under the said clause."

10. *Amendment of section 51.*—In sub-section (2) of section 51 of the Principal Act,—

(i) for clause (a), the following clause shall be substituted, namely :—

"(a) all matters which under any provision of this Act, are expressly required to be or may be prescribed under this Act";

(ii) after clause (q), the following clause shall be added, namely :—

"(qq) (i) the form in which the authority to whom, the manner in which the date before which the intimation under clause (i) of section 36-B shall be sent; and

(ii) the form in which, the register under clause (ii) of section 36-B shall be maintained and the particulars which such a register shall contain."

11. *Amendment made by sections 2 and 5(ii) to have retrospective effect.*—The amendment made by section 2 and clause (ii) of section 5

shall be deemed to have formed part of the Principal Act from the commencement thereof.

12. *Validation of certain proceedings.*—Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or any other competent authority, all taxes levied or collected or purporting to have been levied or collected before the 1st December, 1969 after deciding that in respect of trees which have been severed from the land or which have been felled, the further processes of lopping the branches or cutting the trunks of such trees or converting them into logs, poles or 'ballies' or any other article of wood amount to a process of manufacture shall, for all purposes, be deemed to be and to have always been validly levied or collected in accordance with law as if the amendment made in the Principal Act by section 2 of this Act had been in force at all material times when such tax was levied or collected and accordingly,—

(a) all acts, proceedings or things done or taken by any authority, officer or person in connection with the levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been done or taken in accordance with law ;

(b) no suit or other proceedings shall be maintained or continued in any court or before any authority whatsoever for the refund of any tax so paid : and

(c) no Court shall enforce any decree or order directing the refund of any tax so paid.

13. *Repeal.*—The Madhya Pradesh General Sales Tax (Amendment and Validation) Ordinance, 1969 (No. 20 of 1969) is hereby repealed.

The University of Saugar (Amendment) Act, 1970.

Received the assent of the Governor on the 18th September, 1970 ; and was published in the "Madhya Pradesh Gazette" Extraordinary, dated the 21st September, 1970.

Madhya Pradesh Act No. 21 of 1970.

An Act further to amend the University of Saugar Act, 1946,

Be it enacted by the Madhya Pradesh Legislature in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the University of Saugar (Amendment) Act, 1970.

2. *Amendment of section 11.*—For sub-section (1) of section 11 of the University of Saugar Act, 1946 (XVI of 1946) (hereinafter referred to as the Principal Act), the following sub-section shall be substituted, namely :—

"(1) The Governor of Madhya Pradesh shall be ex officio Kuladhipati of the University. He shall, by virtue of his office, be the Head of the University and the President of the Court and shall, when present preside at meetings of the Court and at any convocation of the University."

3. *Substitution of new section for section 43.*—For section 43 of the Principal Act the following section shall be substituted, namely :—

"43. *Kuladhipati to decide validity of appointment.*—If any question arises whether any person has been duly appointed, elected, nominated or co-opted as or is entitled to be a member of any authority or other body of the University or has been duly appointed as an officer of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final."

4. *Insertion of new section 43-A.*—After section 43 of the Principal Act, the following section shall be inserted, namely :—

"43-A. *Kuladhipati to review his orders.*—The Kuladhipati may, either on his own motion or on the application of any party interested, review any order passed by himself or his predecessor in office if he is of the opinion that it is not in accordance with the provisions of this Act, the Statutes, the Ordinances or the Regulations or is otherwise improper and pass such orders in reference thereto as he may think fit."

5. *Amendments made by sections 2, 3 and 4 to have retrospective effect.*—(1) The amendment made by section 2 shall be deemed to have formed part of the Principal Act with effect from the 9th April, 1970.

(2) The amendments made by sections 3 and 4 shall be deemed to have formed part of the Principal Act from the commencement thereof.

6. *Saving.*—Anything done or action taken or purported to have been done or taken between the 9th April 1970 and the date of coming into force of this Act, by the Kuladhipati who assumed office on the 9th April 1970 by virtue of the amendment made in the Principal Act by section 2 or by any person purporting to act on his behalf shall be deemed to have been done or taken under the provisions of this Act as if this Act were in force on the date on which such thing was done or action was taken.

7. *Repeal.*—The University of Saugar (Amendment) Ordinance, 1970 (No. 1 of 1970), and the University of Saugar (Second Amendment) Ordinance, 1970 (No. 3 of 1970) are hereby repealed.

**The Madhya Pradesh Gramo Me Ki Dakhalrahit Bhoomi.
(Vishesh Upabandh) Act, 1970.**

Received the assent of the Governor on the 3rd October 1970 ; and was published in the "Madhya Pradesh Gazette", Extraordinary, dated, the 24th October 1970.

Madhya Pradesh Act No. 26 of 1970.

An Act to make special provisions for allotment of unoccupied land to inhabitants of villages in certain circumstances.

Enacted by the Madhya Pradesh Legislature in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Madhya Pradesh Gramo Me Ki Dakhalrahit Bhoomi (Vishesh Upabandh) Adhiniyam, 1970.

(2) It extends to whole of Madhya Pradesh.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Code", means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) ;

(b) "inhabitant of a village" means a person who —

(i) holds land ; or

(ii) works as an agricultural artisan or as an agricultural labourer, in such village or in a village usually cultivated from such village ;

(c) the words and expressions used in this Ordinance but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

3. *Allotment and settlement of unoccupied land in certain circumstances.*—All unoccupied lands in a village on which inhabitants of such village have, prior to the 26th day of May, 1970, erected any building for

the purpose of residence or proposes ancillary thereto and such building exists on that date shall, notwithstanding anything contained in the Code or the rules made thereunder, be allotted and settled with such inhabitants in Bhumiswami rights in accordance with the provisions of this Act :

Provided that nothing contained in this section shall apply to unoccupied land which is—

- (a) within a distance of—
 - (i) sixteen kilometres from the limits of a municipal corporation declared by or under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) ;
 - (ii) eight kilometres from the limits of a municipality declared by or under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) :
 - (iii) three kilometres from the limits of urban area other than those specified in (i) and (ii) above ;
 - (iv) one kilometre on both sides of a national highway specified in, or declared under, the National Highways Act, 1956 (XLVII of 1956) or public road notified under section 2 of the Madhya Pradesh Highway Act, 1936 (XXXIV of 1936).
- (b) set apart under section 237 of the Code for the following purposes—
 - (i) for burial ground and cremation ground ;
 - (ii) for gaathan ;
 - (iii) for threshing floor ;
 - (iv) for skinning ground ;
 - (v) for bazar ;
 - (vi) for public purpose such as schools, playgrounds, parks, roads, lanes and drains.,
- (c) held or reserved by the Central Government or the State Government for any specific purpose.

4. *Procedure for settlement* —(1) Every inhabitant of a village to whom section 3 applies shall make an application to the Tahsildar within such period and in such form as may be prescribed

(2) On receipt of an application under sub-section (1), proceedings, if any, pending under section 248 of the Code in respect of the unoccupied land mentioned in the application, may be stayed till such time as the Tahsildar, may think fit.

(3) Subject to the provisions of this Act and the rules made in this behalf, the Tahsildar shall allot and settle unoccupied land with the inhabitant of a village.

(4) On allotment of unoccupied land under sub-section (3) all proceedings pending before the Tahsildar in respect of the said unoccupied land under section 248 of the Code shall stand abated.

5. *Provisions of Act to apply to protected forest on its ceasing to be so* —As from the date fixed in that behalf in the notification issued under section 34-A of the Indian Forest Act, 1927 (XVI of 1927) as applicable in the State of Madhya Pradesh declaring any forest to be no longer protected forest, the provisions of this Act shall apply, to forest land or waste land as were comprised within such protected forest on the 26th day of May, 1970 (hereinafter referred to as the said date) as if such land was unoccupied land on the said date.

6. *Power to make rules.*—(1) The State Government may make rules generally for the purpose of carrying into effect the provisions of this Act :

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(a) (i) prescription of period and form under sub-section (1) of section 4;

(ii) prescription of manner of allotment and settlement of unoccupied land under sub-section (2) of section 4 ;

(b) prescription of terms and conditions including a condition of payment of premium subject to which unoccupied land shall be allotted and settled.

(3) All rules made under this Ordinance shall be laid on the table of the Legislative Assembly.

7. *Repeal.*—The Madhya Pradesh Gramo Me Ki Dakhalarabit Bhojpi (Vishesh (Upabandh) Adhyadesh, 1970 (No. 4 of 1970) is hereby repealed.

The Madhya Pradesh Ancient Monuments And Archaeological Sites And Remains (Amendment) Act, 1970.

Received the assent of the Governor on the 23rd October, 1970, was published in the *Madhya Pradesh Gazette*, (Ext.), dated the 25th October, 1970.

Madhya Pradesh Act No. 29 of 1970.

Promulgated by the Governor in the Twenty-first year of the Republic of India.

An Act to amend the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Act, 1964.

Be it enacted by the Madhya Pradesh Legislature in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains (Amendment) Act, 1970.

2. *Amendment of section 2* —In section 2 of the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Act, 1964 (No. 12 of 1964), (hereinafter referred to as the Principal Act), for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

“(a) ‘Ancient monument’ means any building structure erection, monolith or monument or any mound or tumulus or any tomb or place of interment or any cave or any sculpture or inscription on an immovable object which is of historical, archaeological or artistic interest and which has been in existence for not less than hundred years, and includes:—

(i) the remains of such monument,

(ii) the site of such monument,

(iii) such portion of land adjoining the site of such monument as may be required for fencing or covering in or otherwise preserving the monument; and

(iv) the means of access to, and convenient inspection of such monument;

(b) “antiquity” includes—

(i) any coin, sculpture, manuscript, epigraph, or other work of art, or craftsmanship,

(ii) any article, object or thing detached from a building or cave,
 (iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,
 (iv) any article, object or thing of historical interest, and
 (v) any article, object or thing which in the opinion of the State Government because of its historical or archaeological importance is an article, object or thing which it is desirable to preserve declared by the State Government, by notification, to be an antiquity for the purposes of this Act,

which has been in existence for not less than hundred years;

(c) "Archaeological site and remains" means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than hundred years, and includes—

(i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and

(ii) the means of a cess to, and convenient inspection of the area."

3. *Insertion of new sections 23-A and 23-B.*—After section 23 of the principal Act, the following section shall be inserted, namely:—

"23-A(1) *Declaration as to any antiquity and intimation regarding transfer or acquisition.*—Every person who owns or is in possession, custody or control of any antiquity prior to the commencement of the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains (Amendment) Ordinance, 1970, shall, within a period of thirty days from such commencement make a declaration to that effect to such authority and in such form as may be prescribed.

(2) As from the 6th day of June 1970, every person who—

(a) intends to sell or transfer any antiquity which is in his possession, custody, or control; or

(b) intends to acquire by purchase or otherwise any antiquity; or

(c) comes in possession, custody or control of any antiquity by purchase, gift, inheritance or otherwise;

shall give intimation in writing,—

(i) where such person falls under category (a) or (b) above of his intention to sell or transfer or acquire, as the case may be, any such antiquity; and

(ii) where such person falls under category (c) above of the fact of his coming in possession, custody or control of any such antiquity to such authority within such time and such form as may be prescribed.

23-B *Report regarding loss of antiquity.*—Every person who owns or is in possession, custody or control of any antiquity shall in the event of its loss or destruction, give intimation within seven days of the loss or destruction thereof to such authority and in such form as may be prescribed and on his failure to do so it shall, unless the contrary is proved, be presumed that he has disposed of the antiquity in contravention of the provisions of section 23-A.

4. *Amendment of section 29.*—For sub-section (1) of section 29 of the Principal Act, the following sub-section shall be substituted; namely:—

"(1) whoever—

(i) destroys, removes, injures, alters, defaces, imperils or misuses a State-protected monument; or

(ii) being the owner or occupier of a State-protected monument, contravenes an order made under sub-section (1) of section 8 or under sub-section (1) of section 9; or

(iii) removes from a State protected monument any sculpture, carving, image, bas-relief, inscription, or other like objects; or

(iv) does any act in contravention of sub-section (1) of section 19, or

(v) removes any antiquity in contravention of sub-section (1) of section 23; or

(vi) (a) fails to make a declaration under sub-section (1) of section 23-A; or

(b) fails to give intimation under sub-section (2) of section 23-A; or

(vii) fails to give intimation under section 23-B; shall,—

(a) in the case of an offence falling under clauses (i), (ii) or (iii) be punishable with imprisonment which may extend to three years and in the absence of special and adequate reasons to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and in addition may be punishable with fine which may extend to ten thousand rupees;

(b) in the case of an offence falling under clauses (iv), (v), (vi) or (vii) be punishable with imprisonment which may extend to three years or with fine which may extend to ten thousand rupees, or with both;

and in the case of an offence falling under clause (vi) or (vii) the court may, in addition, order the forfeiture of the antiquity in respect of which offence has been committed."

5. *Amendment of section 37.*—In sub-section (2) of section 37 of the Principal Act, after clause (e) the following clauses shall be inserted, namely :—

"(ee) (i) the authority to which and the form in which declaration shall be made under sub-section (1) of section 23-A;

(ii) the authority to which, the time within which and the form in which intimation shall be given under sub-section (2) of section 23-A;

(eee) the authority to which and the form in which intimation shall be given under section 23-B."

6. *Repeal.*—The Madhya Pradesh Ancient Manuments and Archaeological Sites and Remains (Amendment) Ordinance, 1970 (No. 5 of 1970), is hereby repealed.

Published in the *Madhya Pradesh Gazette*, Ext., No. 209, dated November 21, 1970.

The Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1970.

Madhya Pradesh Ordinance No. 11 of 1970.

Promulgated by the Governor in the Twenty-first Year of the Republic of India.

[First published in the "Madhya Pradesh Gazette" (Extraordinary), dated, the 21st November 1970.]

An Ordinance further to amend the Madhya Pradesh Co-operative Societies Act, 1960.

Whereas, the State Legislature is not in Session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

And, whereas, the previous instructions of the president have been obtained as required by the proviso to clause (1) of Article 213 of the Constitution of India;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is hereby pleased to make and promulgate the following Ordinance:—

1. *Short title*.—The Ordinance may be called the Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1970.

2. *Amendment of section 35*.—For Explanation below section 35 of the Madhya Pradesh Co-operative Societies Act, 1960 (No 17 of 1961), the following Explanation shall be substituted, namely:—

“Explanation:—For the purposes of this section, a financing bank shall include the Reserve Bank of India, the State bank of India, the corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, (No. 5 of 1970) and such other Bank as the State Government may, from time to time, by notification, specify in this behalf.”

BHOPAL:

Dated, the 20th November 1970.

K. C. REDDY,

Governor,

Madhya Pradesh.

Published in the *Madhya Pradesh Gazette*, Ext., No 210, dated November 22, 1970.

The Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1970.

Madhya Pradesh Ordinance No 12 of 1970.

Promulgated by the Governor in the Twenty-first year of the Republic of India.

[First published in the “Madhya Pradesh Gazette” (Extraordinary), dated the 22nd November, 1970.]

An Ordinance further to amend the Madhya Pradesh Co-operative Societies Act, 1960

Whereas the State Legislature is not in session, and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title*.—This Ordinance may be called the Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1970.

2. *Amendment 2 of section 48-A*.—In section 48-A of the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) (hereinafter referred to as the Principal Act),—

(a) in sub-section (3), the third proviso shall be omitted; and

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in sub-section (3), persons holding offices specified therein on the 15th December, 1969 shall continue to hold their respective offices till the expiry of the remaining period of the normal term of each of such offices.”

3. *Transitory provision*.—Any person who is holding any office specified in sub-section (3) of section 48-A of the principal Act in contravention of the provisions thereof on the date immediately preceding the date of commencement of this Ordinance shall cease to hold that office as from such commencement.

CAMP DELHI :

Dated, the 21st November, 1970.

K. C. REDDY,

Governor,

Madhya Pradesh.

PART XII ORISSA ACTS, ORDINANCES & NOTIFICATIONS

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Published in the *Orissa Gazette* No. 1788, dated December 30,
1969.

The Orissa Preventive Detention Ordinance, 1969. Orissa Ordinance No. 6 of 1969.

An ordinance to provide for preventive detention in order to check certain activities such as Naxalite activities and other activities of like nature and for matters incidental thereto.

Whereas the Legislature of the State of Orissa is not in session ;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for preventive detention in order to check certain activities such as Naxalite activities and other activities of like nature and for matters incidental thereto ;

And whereas instructions from the President have been received to promulgate an ordinance for the above purpose ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twentieth Year of the Republic of India :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Orissa Preventive Detention Ordinance, 1969.

(2) It shall extend to the whole of the State of Orissa.

(3) It shall come into force on the 1st day of January 1970.

2. *Definition.*—In this Ordinance “detention order” means an order made under section 3.

3. *Power to make orders detaining certain persons.*—(1) The State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order it is necessary so to do, make an order directing that such person be detained.

(2) Any of the following officers, namely :—

(a) District Magistrates, or

(b) Additional District Magistrates specially empowered in this behalf by the State Government,
may if satisfied as provided in sub-section (1), exercise of the power conferred by the said sub-section.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve

days after the making thereof unless in the meantime it has been approved by the State Government.

4. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898. (5 of 1898.)

5. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the State Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, within the State by order of the State Government.

6. *Powers in relation to absconding persons.*—(1) If the State Government or an officer specified in sub-section (2) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898 (5 of 1898) shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate; or

(b) by order notified in the Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), every offence under clause (b) of sub-section (1) shall be cognisable.

7. *Grounds of order of detention to be disclosed to persons affected by the order.*—(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

8. *Constitution of Advisory Boards.*—(1) The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Ordinance.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the State Government.

(3) The State Government shall appoint one of the members of the Advisory Board who is or has been a Judge of a High Court to be its Chairman.

9 *Reference to Advisory Boards*.—In every case where a detention order has been made under this Ordinance the State Government shall within thirty days from the date of detention under the order, place before the Advisory Board the grounds on which the order has been made and the representation, if any, made by the person affected by the order and in case where the order has been made by an officer, also the report furnished by such officer under sub-section (3) of section 3.

10 *Procedure of Advisory Boards*.—(1) The Advisory Board shall after considering the materials placed before it and, after calling for such further information as it may deem necessary from the State Government or from the person called for the purpose through the State Government or from the person concerned and if in any particular case it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person submit its report to the State Government within ten weeks from the date of detention

(2) The report of the Advisory Board shall specify in the separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned

(3) When there is a difference of opinion among the members of the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

11. *Action upon the report of Advisory Board and the maximum period of detention*.—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the State Government may confirm the detention order and continue the detention of the person concerned for such period, not being beyond a period of twelve months from the date of detention, as they think fit.

(2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the State Government shall revoke the detention order and cause the person to be released forthwith.

12. *Revocation of detention orders*.—(1) Without prejudice to the provisions of section 22 of the Orissa General Clauses Act 1937 (Orissa Act 1 of 1937) a detention order may at any time be revoked or modified, notwithstanding that the order has been made by an officer mentioned in sub-section (2) of section 3 by the State Government.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the State Government or an Officer, as the case may be, is satisfied that such an order should be made :

Provided that any person who is in detention under the Preventive

Detention Act, 1950) (4 of 1950) on the date of expiry of the said Act, may be detained for a further period if the authority under whose order he was so detained is satisfied that such further detention is necessary to prevent him from acting in any manner prejudicial to the maintenance of public order on all or any of the grounds on which he was so detained and there upon all the provisions of this Ordinance shall apply in the same manner and to the same extent as they apply in the case of detention orders made under section 3.

13. *Temporary release of persons detained.*—(1) The State Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the State Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to the penalty thereof.

14. *Protection of action taken under the Ordinance.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance.

S. S. ANSARI,

Governor of Orissa.

Dated the 30th December 1969.

The Orissa Agricultural Land (Utilisation) Act, 1969.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 21st May 1969, was published in the *Orissa Gazette*, Ext. No. 1034-A, dated June 2, 1969.

Orissa Act 14 of 1969.

An act to provide for utilisation of agricultural lands for cultivation and for matters ancillary thereto.

Be it enacted by the Legislature of the State of Orissa in the Twentieth Year of the Republic of India, as follows :—

1. *Short title extent and commencement.*—(1) This Act may be called the Orissa Agricultural Land (Utilisation) Act, 1969.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

2. *Definitions.*—In this Act unless the context otherwise requires—

(a) "Grama Panchayat" means a Grama Panchayat constituted under the Orissa Grama Panchayat Act, 1964 ; (Orissa Act 1 of 1965.)

(b) "land" means land used or capable of being used for agricultural purposes;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "year" means the agricultural year commencing on the first day of April; and

(e) the expressions "agriculture", "landholder", "personal cultivation", "raiyyat" and "tenant" shall have the same meanings as have been respectively assigned to them under the Orissa Land Reforms Act, 1970. (Orissa Act 16 of 1960.)

3. *No person shall keep land fallow*—No person who holds land for personal cultivation, whether as a land holder, raiyyat or tenant, shall without sufficient cause, keep such land fallow.

4. *Penalty for keeping land fallow*.—Without prejudice to the provisions contained in the Orissa Land Reforms Act, 1960 (Orissa Act 16 of 1960) any person, who in contravention of the provisions contained in section 3 keeps any land held by him as aforesaid fallow for two consecutive years shall be liable to pay by way of penalty such sum, not exceeding rupees one hundred, as may be fixed by the Tahsildar within whose jurisdiction the land is situate

5. *Initiation of proceedings under section 4*—(1) Whenever it comes to the notice of any Grama Panchayat that any person holding land within its jurisdiction has kept any such land fallow in contravention of section 3 for two consecutive years it may make an application to the Tahsildar having jurisdiction for initiation of proceedings under section 4

(2) Upon an application being made under sub-section (1) the Tahsildar may, after giving the person concerned a reasonable opportunity of being heard and after holding an enquiry in the prescribed manner, by order, direct the person to pay by way of penalty such sum, not exceeding rupees one hundred, as he may deem fit.

6. *Enquiries under the Act*.—The Tahsildar shall have the same powers in making enquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908 (5 of 1908) in trying suits, namely:—

(a) admission of evidence by affidavits;

(b) summoning and enforcing the attendance of any person and examining him on oath;

(c) compelling the production of documents; and

(d) any other matter that may be prescribed.

7. *Appeal*.—Any person aggrieved by an order passed by a Tahsildar under this Act may prefer an appeal to the sub-divisional Officer within thirty days from the date of such order.

8. *Revision*.—The Additional District Magistrate (Judicial) or any other Judicial Officer, not below the rank of a Subordinate Judge, authorised by the State Government in that behalf may, on an application made within thirty days from the date of the order, revise any order passed in appeal by the Sub-divisional Officer.

9. *Review*.—Any order passed under this Act may, after notice to all persons interested, be reviewed by the officer who made the order or his successor in office on the ground of any clerical mistake or error in course of any proceedings under this Act.

10. *Order to be final*.—All orders passed by the Tahsildar under

this Act shall, subject to any order passed in appeal, review or revision, as the case may be, be final and shall not be called in question in any Court of law.

11. *Recovery of sums due under the Act*.—Any penalty imposed under this Act shall be recoverable as a public demand.

12. *Court fees*.—Notwithstanding anything contained in the Court Fees Act, 1870, (7 of 1870) every petition or application or memorandum of appeal under this Act shall bear court fee stamp of such value as may be prescribed.

13. *Act not to apply to certain lands*.—Nothing contained in this Act, shall apply—

(a) to the Government in respect of lands held by them and which is used or set apart for any public purpose;

(b) to lands held by—

(i) the Government of India;

(ii) a local authority;

(iii) a Government Company within the meaning of the Companies Act, 1956; (1 of 1956)

(iv) a Corporation established under any law;

(v) a University established by law within the State; or

(vi) the Bhodan Yagna Samiti established under the Orissa Bhodan Yagna Act, 1953. (Orissa Act 16 of 1953.)

(c) to any area which the Government may, from time to time by notification in the official Gazette specify as being reserved for urban, non-agricultural or industrial development or for any other specific purpose; and

(d) to the lands for time being under the management of any Civil, Revenue or Criminal Court.

14. *Repeal*.—On the coming into force of this Act, the Orissa Agriculture Act, 1951 (Orissa Act 16 of 1952.) shall stand repealed.

15. *Power to make rules*.—(1) The State Government may, after previous publication, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

Published in the *Orissa Gazette*, Ext., No. 164, dated February 9, 1970.

LABOUR, EMPLOYMENT & HOUSING DEPARTMENT

No. S. R. O. 55/70.—The 9th February, 1970.—In exercise of the powers conferred by sub-section 3 of section 1 of the **Beedi and Cigar Workers (Conditions of Employment) Act, 1966** (32 of 1966) the State Government do hereby appoint the 10th February, 1970 as the date on which the section 3 of the said Act shall come into force in the State of Orissa.

Published in the *Orissa Gazette*, Ext., No. 625, dated June 3, 1970.

REVENUE DEPARTMENT

No. S. R. O. 389/70.—The 12th May, 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Ganjam and Boudh (Village Offices Abolition) Act, 1969** (Orissa Act I of 1970), the State Government do hereby appoint the first day of June, 1970 to be the date on which the said Act shall come into force in the Ganjam Agency areas and Balliguda sub-division in the district of Boudh.

Published in the *Orissa Gazette*, Ext., No. 812, dated July 15, 1970.

REVENUE DEPARTMENT

No. S. R. O. 592/70.—The 14th July, 1970.—In exercise of the powers conferred under sub-section (2) of section 1 of the *Orissa Cess (Amendment) Act, 1970* (Orissa Act 18 of 1970), the State Government do hereby appoint the 15th day of July, 1970 as the date on which the said Act shall come into force.

Published in the *Orissa Gazette*, Ext., No. 889, dated July 24, 1970.

REVENUE DEPARTMENT

No. S. R. O. 622/70.—The 23rd July, 1970.—In exercise of the powers conferred by section 9-A of the *Orissa Cess Act, 1962* (Orissa Act II of 1962), the State Government do hereby direct that cess shall be assessed in respect of all areas where survey and settlement operation have not been ordered by Government.

Published in the *Orissa Gazette*, Ext., No. 234, dated February 28, 1970.

REVENUE DEPARTMENT

No. S. O. R. 90/70.—The 18th February, 1970.—In exercise of the powers conferred by section 75 of the *Orissa Land Reforms Act, 1960* (Orissa Act 16 of 1960) the Government of Orissa hereby direct that the following amendment shall be made in the *Orissa Land Reforms (General) Rules, 1965*, the same having been published previously as required by the said Act, namely :—

AMENDMENT.

In the said rules in rule 3, after clause (d) the following new clause and the proviso shall be inserted, namely :—

“(e) for addition of parties Order I—Rule—10 ;

(f) for amendment of application Order VI Rule 17 :

Provided that the Revenue Officer shall have the inherent power to make such orders as may be necessary for the ends of justice and to amend any defect or error in the proceeding under section 153 of the Code of Civil Procedure.”

Published in the *Orissa Gazette*, Ext., No. 753, dated July 7, 1970.

The Orissa Land Reforms (Amendment) Ordinance, 1970.

Orissa Ordinance No. 2 of 1970.

An Ordinance to amend the Orissa Land Reforms Act, 1960.

Whereas the Legislature of the State of Orissa is not in session.

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the *Orissa Land Reforms Act, 1960* in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twenty-first Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Act may be called the *Orissa Reforms (Amendment) Ordinance, 1970.*

(2) It shall come into force at once.

2. *Amendment of section 22, Orissa Act 16 of 1960.*—In section 22 of the *Orissa Land Reforms Act, 1960*. (Orissa Act 16 of 1960) for the proviso occurring after sub-section (4) the following proviso shall be substituted, namely :—

“Provided that nothing in sub-sections (1), (2) and (3) shall apply—

(a) to any transfer by way of mortgage executed in favour of any scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (2 of 1934) or in favour of any bank to which the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) applies; and

(b) to any transfer by a member of the Scheduled Tribes within a Scheduled Area."

Dated the 2nd July, 1970.

S. S. ANSARI,
Governor of Orissa.

Published in the *Orissa Gazette*, Ext., No. 752, dated July 7, 1970.

**The Orissa Prevention of Land Encroachment (Amendment)
Ordinance, 1970.**

Orissa Ordinance No. 3 of 1970.

An Ordinance to amend the Orissa Prevention of Land Encroachment Act, 1954.

Whereas the Legislature of the State of Oriss is not in session ;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Prevention of Land Encroachment Act, 1954 (Orissa Act 15 of 1254), in the manner hereinafter appearing ;

And whereas instructions from the President have been received to promulgate an Ordinance for the above purpose ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twenty-first Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Orissa Prevention of Land Encroachment (Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. *Amendment of section 11, Orissa Act 15 of 1954.*—For section 11 of the Orissa Prevention of Land Encroachment Act, 1954 (Orissa Act 15 of 1954), (hereinafter referred to as the principal Act), the following section shall be substituted, namely :—

"11. *Limitation.*—(1) No proceeding under section 3, 5, 6 or 6-A shall be instituted against any person after expiry of thirty years from the date of commencement of the unauthorised occupation to which the proceeding relates :

Provided that in cases where the unauthorised occupation had commenced more than twenty-five years prior to the date of coming into force of the Orissa Prevention of Land Encroachment (Amendment) Ordinance, 1970, the aforesaid proceeding may be started within a period of five years from the said date.

(2) No appeal shall be brought after the expiry of thirty days from the date of the decision or order complained of and in computing the said period of thirty days, the time required to obtain a copy of the decision or order appealed against shall be excluded :

Provided that an appeal may be admitted after the aforesaid period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period."

3. *Omission of sections 13 and 14, Orissa Act 15 of 1954.*—Sections 13 and 14 of the principal Act shall be and shall be deemed always to have been omitted.

4. *Insertion of new section 15-A, Orissa Act 15 of 1954.*—After section 15 of the principal Act the following new section shall be and shall be deemed always to have been inserted, namely:—

“(15-A.) *Bar of suits and proceedings.*—No suit or other legal proceeding in respect of the matters or disputes for determining or deciding which provision is made in this Act shall be instituted in any Court of law except under and in conformity with the provision of this Act.”

5. *Savings.*—All proceedings, whether original or appellate, started under the principal Act which have been dismissed during the period beginning with the 12th November 1969 and ending with the date of coming into force of this Ordinance merely on the ground that the provisions contained in that Act were void shall be restored to the file of the respective authorities who had dismissed the proceedings and shall be proceeded with and disposed of in accordance with the provisions of the principal Act as if they had never been so dismissed.

S.S. ANSARI

Dated the 30th June, 1970.

Governor of Orissa.

Published in the *Orissa Gazette*, Ext., No. 757, dated July 9, 1970.
The Bihar and Orissa Excise (Orissa Amendment) Ordinance 1970.
Orissa Ordinance No. 4 of 1970.

An Ordinance to amend the Bihar and Orissa Excise Act, 1915 in its application to the State of Orissa.

Whereas the Legislature of the State of Orissa is not in session;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act 2 of 1915.) in its application to the State of Orissa in the manner herein-after appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to make and promulgate the following Ordinance in the Twenty-first Year of the Republic of India:—

1. *Short title and commencement*—(1) This Ordinance may be called the Bihar and Orissa Excise (Orissa Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. *Amendment of section 2, B. & O. Act 2 of 1915.*—In section 2 of the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act 2 of 1915.) (hereinafter referred to as the principal Act) in clause (9) the words and figure “and includes any payment to be made to the State Government under section 29” shall be added at the end.

3. *Amendment of section 29 B. & O. Act 2 of 1915.*—Section 29 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered the following new sub-section shall be inserted, namely:—

“(2) The sum payable under sub-section (1) shall be determined—

(a) by calling tenders or by auction or otherwise as the State Government may, by general or special order, direct; and

(b) by such authority and subject to such control as may be specified in such order.”

4. *Amendment of section 37, B. & O. Act 2 of 1915.*—In section 37 of the principal Act—

(i) in clause (d) for the full stop "." the semi-colon and the word"; or" shall be substituted;

(ii) after clause (d) the following new clause shall be inserted, namely:—

"(e) to any person, an exclusive privilege by the State Government under section 22 in respect of any of the matters referred to in clauses (a) to (e) of sub section (1) of that section"

5 *Amendment of section 90, B. & O. Act 2 of 1916.*—In section 90 of the principal Act—

(a) in clause (7) the words and figure "any exclusive privilege granted under section 22 or" shall be omitted;

(b) in the explanation the words "exclusive privilege" shall be omitted.

6. *Validation of certain actions*—Notwithstanding any judgment, decree or order of any Court—

(a) all grants made by way of licenses for manufacture and retail sale of country liquor and for retail sale intoxicating drug in respect of any place on or after the 7th day of August, 1965 shall be deemed to be licenses granted to the persons concerned conferring an exclusive privilege under section 22 of the principal Act for manufacture and retail sale of country liquor and for retail sale of intoxicating drug at such place; and

(b) all amounts paid or payable in respect of such grants shall be deemed to be sums paid or payable under section 29 of that Act in consideration of the grant of exclusive privilege.

S. S. Ansari

Dated the 7th July 1970.

Governor of Orissa.

Published in the *Orissa Gazette* Ext., No. 1071, dated August 31st, 1970.

The Orissa Cess (Amendment) Amendment Ordinance, 1970.

Orissa Ordinance No 6 of 1970.

An Ordinance To Amend The Orissa Cess (Amendment) Act, 1970.

Whereas the Legislature of the State of Orissa is not in session;

And Whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Cess (Amendment) Act, 1970 (Orissa Act 13 of 1970.) in the manner hereinafter appearing;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twenty-first Year of the Republic of India:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Orissa Cess (Amendment) Amendment Ordinance, 1970.

(2) It shall come into force at once

2. *Amendment of section 1, Orissa Act 13 of 1970*—In section 1 of the Orissa Cess (Amendment) Act, 1970 (Orissa Act 13 of 1970) for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) It shall be deemed to have come into force with effect from the 1st day of April, 1970."

S.S. ANSARI

Dated the 27th August, 1970

Governor of Orissa

The Orissa Appropriation Act 1970.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 11th March, 1970, was published in the *Orissa Gazette*, Ext., 317, dated March 11th, 1970.

Orissa Act 6 of 1970.

* * *

[Remaining text omitted

Editor]

The Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1970

The following Act of the Orissa Legislative Assembly having been assented to by the President on the 20th June, 1970, was published in the *Orissa Gazette*, Ext., No 745, dated July 6th, 1970.

Orissa Act 15 of 1970

An Act to amend the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1961

Be it enacted by the Legislature of the State of Orissa in the Twenty first Year of the Republic of India as follows:—

1. *Short title*—This Act may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1970

2. *Insertion of new section 10-A, Orissa Act 25 of 1961.*—After section 10 of the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1961, (Orissa Act 25 of 1961) the following new section shall be inserted, namely:—

“10-A *Bar of suit and other proceedings*—No suit or other proceeding in respect of matters or disputes for determining or deciding which provision is made in this Act shall be instituted in any Court of Law, except under and in conformity with the provisions of this Act.”

The Orissa Appropriation (No. 2) Act, 1970

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 31st March, 1970, was published in the *Orissa Gazette*, Ext., No. 374, dated March 31st, 1970.

Orissa Act, 7 of 1970

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[Remaining text omitted Editor.]

The Director Of Municipal Administration (Orissa) Exercise Of Jurisdiction Validation Act, 1970.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 28th March, 1970, was published in the *Orissa Gazette* Ext., No. 385, dated April 3, 1970.

Orissa Act 8 of 1970.

An Act To Validate Certain Actions Taken By The Director Of Municipal Administration

Be it enacted by the Legislature of the State of Orissa in the Twenty-first Year of the Republic of India, as follows:—

1. *Short title extent and commencement*—(1) This Act may be called the Director of Municipal Administration (Orissa) Exercise of Jurisdiction Validation Act, 1970

(2) It shall extend to the whole of the State of Orissa.

(3) It shall come into force at once.

2. *Validation of actions.*—Notwithstanding anything contained in the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950) no action taken or order passed by the Director of Municipal Administration within the period from the 1st day of August, 1968 to the 12th day of March, 1969

in the belief or purported belief that the said Director while taking such action or making such order was appointed to act as such Director by an appropriate notification issued under the said Act, shall be questioned in any court of law or otherwise open to challenge merely on the ground that he was not appointed by a notification as aforesaid and all such actions and orders shall be deemed to have been validly taken or passed in exercise of the powers conferred by or under that Act.

The Orissa Cess (Amendment) Act, 1970.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 7th May 1970, was published in the *Orissa Gazette Ext.*, No. 584, dated May 15, 1970.

Orissa Act 13 of 1970.

An Act to amend the Orissa Cess Act, 1962

Be it enacted by the Legislature of the State of Orissa in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Cess (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

2. *Amendment of section 5 Orissa Act 11 of 1962.*—In section 5 of the Orissa Cess Act, 1962 (Orissa Act 11 of 1962) (hereinafter referred as 'principal Act') in sub-section (2) for the words "twenty-five per centum" the words "fifty per centum" shall be substituted.

3. *Amendment of Section 7, Orissa Act 11 of 1962.*—In section 7 of the principal Act after sub-section (2) and before the Explanation the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in the preceding sub-sections, the annual value of lands, whereof the rent settled for the first time under the Orissa Survey and Settlement Act, 1958 (Orissa Act 3 of 1959) has taken effect on or after the 1st day of April, 1963, shall, for a period of fifteen years from the date on which such rent has taken effect, be the rent which was payable prior to such settlement."

4. *Amendment of section 10, Orissa Act 11 of 1962.*—For section 10 of the principal Act, the following section shall be substituted namely:—

"10. *Application of proceeds of the Cess.*—(1) Notwithstanding anything contained in any other law, the amount collected as cess shall be credited to the Consolidated Fund of the State and shall be utilised for the following purposes, namely:—

- (a) primary education;
- (b) contribution to Grama Panchayats; and
- (c) contribution to Samitis

Explanation—In this section "Grama Panchayat" means a Grama Panchayat constituted under the Orissa Grama Panchayat Act, 1964 (Orissa Act 1 of 1964) and "Samiti" means a "Panchayat Samiti" constituted under the Orissa Panchayat Samiti Act, 1959. (Orissa Act 7 of 1960)

(2) The proportion in which the amount collected as cess is to be allotted for the said purposes shall be as may be prescribed."

The Code of Criminal Procedure (Orissa Amendment) Act, 1970

The following Act of the Orissa Legislative Assembly having been assented to by the President on the 4th May 1970, was published in the *Orissa Gazette Ext.* No. 568, dated May 22, 1970.

Orissa Act 14 of 1970.

An Act to amend the code of Criminal Procedure, 1898 in its application to the State of Orissa.

Be it enacted by the Legislature of the State of Orissa in the Twenty-first year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Orissa Amendment) Act, 1970

(2) It shall come into force at once.

2. *Amendment of section 409, Act 5 of 1898.*—In section 409 of the Code of Criminal Procedure, 1898 (5 of 1898) to sub-section (2), the following proviso shall be added, namely:—

“Provided that where any such appeal is directed by State Government to be heard by an Additional Sessions Judge or Assistant Sessions Judge, that appeal may be preferred to him.”

The Orissa Appropriation (No. 3) Act, 1970

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 13th April 1970, was published in the *Orissa Gazette*, Ext., No. 462-B, dated April 27, 1970.

Orissa Act 10 of 1970.

An Act to Provide for the Authorisation of Appropriation of Moneys out of the Consolidated Fund of the State of Orissa to meet the Amounts Spent on Certain Services During the Financial Year Ended on the 31st day of March, 1965 in Excess of the Amounts Granted for those Services and for that year.

(Remaining text omitted.

Editor.]

The Orissa Appropriation (No. 4) Act, 1970.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 21st April 1970, was published in the *Orissa Gazette* Ext., No. 462-A, dated April 27th, 1970.

Orissa Act 11 of 1970

An Act to provide for the Authorisation of appropriation of moneys out of the consolidated fund of the state of Orissa to meet the amounts spent on certain services during the Financial year ended on the 31st day of March, 1969, in excess of the Amounts granted for those services and for that year.

[Remaining text omitted.

Editor.]

The Orissa Electricity (Duty) Amendment Act, 1970

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 28th April 1970, was published in the *Orissa Gazette* Ext., No. 476, dated April 29th, 1970.

Orissa Act 12 of 1970

An Act to Amend the Orissa electricity (Duty) Act, 1961

Be it enacted by the Legislature of the State of Orissa in the Twenty-first year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Electricity (Duty) Amendment Act, 1970.

(2) It shall be deemed to have come into force with effect from the 1st day of April, 1970.

2. *Amendment of section 3, Orissa Act 14 of 1961.*—In section 3 of the

Orissa Electricity (Duty) Act, 1961 (Orissa Act 14 of 1961.) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) There shall be levied for and paid to the State Government, on the energy consumed by a consumer, a duty (hereinafter referred to as the “electricity duty”) computed on the basis of the rate charged therefor by a licensee, by the Board or by any Government referred to in clause (c) of section 2 at the rates specified hereunder :—

(a) Where the rate charged is calculated on the energy consumed in a month the electricity duty shall be computed at the rate of—

(i) fifteen per cent of the rate charged for the first one thousand units or part thereof;

(ii) twenty per cent of the rate charged for the next forty-nine thousand units or part thereof; and

(iii) twenty-five per cent of the rate charged for the remainder.

(b) In cases where the rate charged is the minimum charge electricity duty shall be computed at the rates specified in clause (a) on the basis of units actually consumed.

(c) In the case of two part tariff the electricity duty shall be computed in respect of the fixed charge at the rate of fifteen per cent of the fixed charge and in respect of the unit charge at the rates specified in clause (a).

(d) In the case of unmetered supply or surcharge the electricity duty shall be computed at the rate of fifteen per cent of the periodical charge or surcharge, as the case may be.”

SUPPLEMENT

GUJARAT & MAHARASHTRA

Current Indian Statutes

1970

— 101 —

Published in the *Gujarat Government Gazette*, Part VI-B, dated December, 18, 1969/Agrahayana 27, 1891.

HOME DEPARTMENT

No. GH/G/1749(A)/TPA-1269/764-E.—Sachivalaya, Ahmedabad-15, 12th December 1969 —In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Act, 1969** (Gujarat 18 of 1969), the Government of Gujarat hereby appoints the 12th December, 1969, as the date on which the said Act shall come into force.

No. GHM-3707-M/TLC-2168/133729/L.—Sachivalaya, Ahmedabad-15, 4th December, 1969—In exercise of the powers conferred under section 7A of the **Bombay Land Revenue Code, 1879**, (Act V of 1879), the Government of Gujarat hereby directs that with effect on and from 1st November, 1969, the deserted village Jagpura of Viramgam Taluka in the Ahmedabad District shall be amalgamated with the Dadhana village of the said taluka of the said district. After amalgamation the new village shall bear the name Dadhana".

No. GHM-3836-M—PWR-1069-150960-L.—Sachivalaya, Ahmedabad-15, 4th December, 1969.—In exercise of the powers conferred by section 19 of **Bombay Land Revenue Code, 1879** (Act V of 1879), Government of Gujarat hereby confers upon Shri B. B. Trivedi who is a revenue Officer, all the powers and duties of the Collector under the said Code, except the powers in Sections 153 and 157 for the purpose of recovery of the dues of Sales Tax, as arrears of Land Revenue within the Sabarkantha, Ahmedabad and Gandhinagar District (except Ahmedabad, City) with headquarters at Ahmedabad.

2. Any appeal against his orders shall lie to the respective Taluka, Sub-Division or District Officer under Section 203 of the **Bombay Land Revenue Code, 1879**.

Published in the *Gujarat Government Gazette*, Part IV-B, dated December 25, 1969/Pausa 4, 1891

PUBLIC WORKS DEPARTMENT

No. GHJ/237/BRA-1.69/49321/A.—Sachivalaya, Ahmedabad-15, 7th November, 1969 —In exercise of the powers conferred by Sub-Section (2) of section 6 of the **Bombay Rents, Hotel and Lodging House Rates Control Act, 1947** (Bom. LVII of 1947); the Government of Gujarat hereby specifies that, in the area of Paddhari taluka of Rajkot District the provisions of Part II of the said Act shall, with effect from

the date of the publication of this Notification in the Official Gazette, apply to premises let for residence purposes.

REVENUE DEPARTMENT

No. GHM-3840/M/CTS-1069/184187-H.—Sachivalaya, Ahmedabad-15, 6th December, 1969.—In exercise of the powers conferred by Sections 18 and 19 of **Bombay Land Revenue Code, 1879** (Bom. V of 1879) the Government of Gujarat is pleased to confer upon Mamlatdar, Kheralu, District Mehsana, all the powers and duties of Survey of land other than those used ordinarily for the purpose of Agriculture only within the limits of Kheralu Town, District Mehsana.

Published in the *Gujarat Government Gazette*, Ext., Part I-A, No. 143, dated December 18, 1969/Agrahayana 27, 1891.

PANCHAYATS AND HEALTH DEPARTMENT

No. KP/1784(A)/PRN/248/69 J.—Sachivalaya, Ahmedabad-15, 18th December, 1969.—In exercise of the powers conferred by sub-section (5) of section 2 of the **Gujarat Panchayats Act, 1961** (Guj. VI of 1962), the Government of Gujarat hereby amends, with effect from the 1st January, 1970, Government Notification, Panchayats and Health Department, No. KP/1451/PRN-185/68 J, dated the 30th November, 1968, as, follows, namely :—

In the Schedule to the said Notification,—

(i) in the entries at serial number 1 in column 3 the entry “(m) Section 119” and the corresponding entry “Taluka” in column 4 shall be deleted.

(ii) in the entries at serial number 3 in column 3 for the entries (a) to (t) and the corresponding entries in column 4 the following shall be substituted, namely :—

(a) Section 43	Taluka Panchayats.
(b) Section 43-A(1)	Taluka Panchayats.
(c) Section 44 excepting sub-section (6) thereof	Nagar Panchayats.
(d) Section 48	Nagar Panchayats.
(e) Section 53 (1) excepting the proviso	Nagar Panchayats.
(f) Section 53 (2)	Nagar Panchayats.
(g) Section 55 excepting sub-section (6) thereof	Taluka Panchayats.
(h) Section 60	Taluka Panchayats.
(i) Section 63	Taluka Panchayats.
(j) Section 65 (1) excepting the proviso	Taluka Panchayats.
(k) Section 65 (2)	Taluka Panchayats.
(l) Section 192	Gram/Nagar and Taluka Panchayats.

(iii) In the entries at serial number 5 in column 3 for the entries (a) to (i) and the corresponding entries in column 4, the following shall be substituted, namely :—

(a) Section 25	Gram/Nagar and Taluka Panchayats.
(b) Section 43(A)(2)	Taluka Panchayat.
(c) Section 43-B	Taluka Panchayat.
(d) Section (8) of Section 44	Gram and Nagar Panchayats.
(e) Section 46	Nagar Panchayats.

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| (f) Section 49 | Gram and Nagar Panchayats. |
| (g) Section 50 | Ditto |
| (h) Proviso to sub-section (1) of section 53 | Nagar Panchayats. |
| (i) Sub-section (6) of Section 55 | Taluka Panchayats. |
| (j) Section 58 | Taluka Panchayats. |
| (k) Section 61 | Taluka Panchayats. |
| (l) Section 62 | Taluka Panchayats. |
| (m) Proviso to sub-section (1) of section 65 | Taluka Panchayats. |
| (n) Section 89 | Gram and Nagar Panchayats. |
| (o) Section 118 | Taluka Panchayats. |
| (p) Section 119 | Taluka Panchayats. |
| (q) Section 126 | Taluka Panchayats. |
| (r) Section 128 | Taluka Panchayats. |
| (s) Section 214 | Nagar Nyaya Panchayats and Conciliation Panchas of Nagar. |
| (t) Section 215 (1-A) and (2) | Ditto |
| (u) Proviso to Section 217 | Nagar Nyaya Panchayats", |
| (iv) In the entries at serial number 6 after the entry (b) in column 3 and the corresponding entry in column 4, the following shall be inserted, namely :— | |
| “(c) Section 214 | Gram Nyaya Panchayats and Conciliation Panchas of the Gram. |
| (d) Section 215 (1-A) and (2) | Ditto |
| (e) Proviso to Section 217 | Gram Nyaya Panchayats”. |

Published in the *Maharashtra Govt. Gazette*, Part IV-A, dated December 18, 1969/Agrahayana 27, 1891.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. SMP 1468/12914 (III)-J.1.—Sachivalaya Annex, Bombay-32, 9th December 1969.—In exercise of the powers conferred by sub-section (1), and clauses (d), (h), (i) and (j) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), Order No. G.S.R. 111, dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby, with effect from the date of publication of this Order in the Official Gazette, rescinds the Bombay Skim Milk Powder, (Control and Distribution and Movement) Order, 1955, except as respects things done or omitted to be done before the aforesaid date.

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated November 8, 1969/Kartika 15, 1891.

REVENUE AND FORESTS DEPARTMENT

No. T.A.C. 6769/9667-M. (Spl.).—Sachivalaya, Bombay-32, 8th October 1969.—In exercise of the powers conferred by sub-section (3) of section 43A of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948) the Government of Maharashtra hereby amends the Government Notification, revenue and Forests Department, No. TNC. 5157/173483-M, dated the 14th February 1958 as follows, namely:—

In the said notification.—

(1) in condition 2—

(a) for the words "one year's notice" the words "a month's notice" shall be substituted; and

(b) the following proviso shall be added at the end, namely:—

Provided that, if the holding of a lesser does not exceed one economic holding and such lesser earns his livelihood principally by agriculture or by agricultural labour, the conditions mentioned in section 31A and 31B shall not apply, but the lessor's right to resume land shall be subject to the conditions mentioned in clauses (b) and (c) of sub-section (5) of section 33B, with this modification that clause (c) of the said sub-section (5) shall be read as if for the words "the commencement date" appearing therein the words, letters, figures and brackets "the date of Government Notification, Revenue and Forests Department, No. TNC 6769/9667-M (Spl.), dated the 8th October 1969" were substituted; and

(2) after condition 3, the following new condition shall be inserted, namely:—

"3A. The lessor in whose favour an order for possession of land is passed under condition 2, or as the case may be, condition 3, shall be given possession of the land not earlier than 60 days after the close of the year in which the order for possession is made."

*Published at page 1585.

REVENUE AND FORESTS DEPARTMENT

No. TNC. 868/139269-M.—Sachivalaya, Bombay-32, 9th October 1969.—In exercise of the powers conferred by section 118 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. A.CIV of 1958), the Government of Maharashtra hereby makes the following rules further to amend the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Rules*, 1959, the same having been previously published as required by sub-section (3) of the said section 118, namely:—

1. These rules may be called the **Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Rules, 1969.**

2. In rule 58-B of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Rules, 1959, for the figures "1968" the figures "1970" shall be substituted.

*Published at page 1486.

Published in the *Maharashtra Government Gazette*, Part IV-B, dated January, 1, 1970/Pansa 11, 1891

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING DEPARTMENT

No. FOB. 1166/1480-J-(1).—Sachivalaya, Bombay-32: BR, 15th December 1969.—In exercise of the powers conferred by clause (e) of sub-section (2) of section 15, read with section 5, and clause (k) of sub-section (2) section 3 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act 1963 (Mah. XLV of 1963) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction sale, management and transfer) Rules, 1964, the same having been previously published as required by the sub-section (1) of the said section 15, namely:—

1. These rules may be called the **Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Amendment Rules, 1969.**

2. In the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Rules, 1964, in Forms I to IV appended thereto, below the heading "FORM I", "FORM II", "FORM III" and "FORM IV", respectively, the following shall be inserted, namely :—

“[See rule 10(2)]”

REVENUE AND FORESTS DEPARTMENT

No. FNG. 1067/27853-Z.—Sachivalaya, Bombay-32, 23rd December, 1969.—In exercise of the powers conferred by section 41 of the Indian Forest Act, 1927 (XVI of 1927) in its application to the State of Maharashtra, the Government of Maharashtra hereby makes the following rules, namely :—

1. These rules may be called the **Forest Rules (Bombay, Vidarbha and Marathwada Areas) (Amendment) Rules, 1969.**

2. The rules specified in column 1 of the Schedule hereto shall be amended in the manner and to the extent specified in column 2 thereof.

SCHEDULE

Rules 1	Extent of Amendment 2
The Bombay Forest Rules, 1942.	In Schedule EE, in condition 5, in clause (f), for the words “the licence is produced” the words and figure “the licence and the registers maintained under condition 4 are produced” shall be substituted.
The Hyderabad Transit of Forest Produce (Bombay) Rules, 1958.	In the Schedule, in condition 5, in clause (f), for the word “the licence is produced” the words and figure “the licence and the registers maintained under condition 4 are produced” shall be substituted.
The Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960.	In the Schedule, in condition 5, in clause (f), for the words “the licence is produced” the words and figure “the licence and the registers maintained under condition 4 are produced” shall be substituted.

* Published at Pages 2 and 3.

INDUSTRIES AND LABOUR DEPARTMENT

No. UWA. 1269/159913-LAB-IV.—Sachivalaya, Bombay-32, 6th December, 1969.—In exercise of the powers conferred by sub-section (4) of section 1 of the **Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969** (Mah. XXX of 1969), the Government of Maharashtra hereby appoints the 6th day of December, 1969 to be the day on which all the provisions of the said Act shall come into force in the areas of Greater Bombay for the following scheduled employments, namely :—

(1) Employment in Iron and Steel Market or shops in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations.

(2) Employment in Grocery Market or shops in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations.

Published in the *Maharashtra Government Gazette*, Part IV-B, dated December 18, 1969/Agrahayana 27, 1891.

HOME DEPARTMENT

No. FLR. 1068/C. 1273-III.—Sachivalaya, Bombay-32, BR : dated the 18th November, 1969.—In exercise of the powers conferred by clauses (b) and (f) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following Rules further to amend the Bombay Foreign Liquor Rules, 1953, the same having been previously published as required by sub-section (2) of the said section 143.

1. These rules may be called the **Bombay Foreign Liquor (2nd Amendment) Rules, 1969**.

2. In the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the principal rules")—

(a) in rule 57, in sub-rule (1) in clause (a), in the proviso for the words "persons of not below 21 years of age", the words "persons not below 21 years of age", shall be substituted.

(b) in Form F.L.IV, appended to the principal rules, in condition 1-(1) in the proviso, for the words, "any member who is not a permit holder and his guest, if any, the words "any member including his guest, who is not a permit holder and not below 21 years of age" shall be substituted.

Published in the *Maharashtra Government Gazette*, Part IV-B, dated December 25, 1969/Pausa 4, 1891.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. MLA. 1069/20097-C. 4.—Sachivalaya Annexe, Bombay-32, dated 10th December, 1969.—In exercise of the powers conferred by section 22 of the **Bombay Money-lenders Act, 1946** (Bom. XXXI of 1947), the Government of Maharashtra hereby exempts the Surat Cotton Spinning and Weaving Mills Private Limited, Bombay-1 from the operation of sections 18 to 21 of the said Act for a period of three years commencing on the day of February, 1969.

HOME DEPARTMENT

- No. TPA. 1069/34333-XII.—Sachivalaya, Bombay-32, dated the 4th December, 1969. — In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1949** (Mah. XLII of 1969), the Government of Maharashtra hereby appoints the 15th day of December 1969 as the date on which the said Act shall come into force.

Published in the *Maharashtra Govt. Gazette* Part IVA, dated November 6, 1969/Kartika 14, 1891

AGRICULTURE AND CO-OPERATION DEPARTMENT

Sachivalaya, Annexe Bombay, 32, 27th October, 1969.

No. WHA. 1868/22327/C-2.—In exercise of the powers conferred by sub-section (1) and clause (c) of sub-section (2) of section 41 of the Warehousing Corporations Act, 1962 (58 of 1962), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra State Warehousing Corporation Rules, 1965, namely:—

1. These Rules may be called the **Maharashtra State Warehousing Corporation (First Amendment) Rules, 1969.**

2. For rule 3 of the Maharashtra State Warehousing Corporation Rules, 1965, following shall be substituted, namely:—

“3. *Term of office of members of Board of Directors.*—The term of office of every director nominated or appointed under sub-section (1) of section 20 shall, in case of the Chairman of the board of directors and managing director, be five years; and in any other case, be three years, each such period commencing from the date of nomination, or as the case may be, appointed, or till the new board is constituted.”

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. IST/1668/28849-A(2).—Sachivalaya Annexe, Bombay-32, 30th October 1969.—In exercise of the powers conferred by section 8 of the **Seeds Act, 1966** (54 of 1966) the Government of Maharashtra hereby establishes till 31st March 1970 the National Seed Corporation, New Delhi, to be the certification agency for the whole State.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. IST/1668/28849/A(4).—Sachivalaya Annexe, Bombay-32, 30th October 1969.—In exercise of the powers conferred by section 12 of the **Seeds Act, 1966** (54 of 1966), the Government of Maharashtra hereby appoints the Seed Testing Officer Nagpur to be the Seeds Analyst for the purpose of the said Act in the whole State.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 2368-F.—Sachivalaya Annexe, Bombay-32, 30th October 1969.—In exercise of the powers conferred by sub-section (1), read with clause (c), (d), (e), (h) (i), (ii) and (j) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July, 1967 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order 1966, namely:—

1. This Order may be called the **Maharashtra Scheduled Foodgrains (Regulation of Distribution) (Fifth Amendment) Order, 1969.**

2. For clause 18 of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, the following clause shall be substituted, namely:—

“18. *Power to call for and examine records of proceedings and revise orders.*—The State Government, or the Commissioner of the Division, may, on an application made to it or him by an aggrieved person within thirty days from the date of receipt by him of any order by which he is aggrieved, stay the enforcement of such order if considered necessary

and may call for and examine the record of any inquiry or proceedings of any officer exercising or failing to exercise the powers under this Order to add to, amend, vary, suspend or cancel any authorisation issued or deemed to be issued under clause 3 or any foodgrains card issued or deemed to be issued under clause 5 or to forfeit the deposit (or any part thereof) paid or deemed to be paid by a fair price shop as security or to take any other action under the provisions prescribed by or under this Order, for the purpose of satisfying itself or himself as to the legality or propriety of the order passed by such officer, and as to the regularity of the proceedings of such officer, and may pass such order thereon as it or he, as the case may be, thinks fit :

Provided that, the State Government may, at any time, during the pendency of any inquiry or proceedings or within one year from the date of any order passed by any officer under the provisions prescribed by or under this Order, suo motu stay any pending inquiry or proceedings or the enforcement of such Order if considered necessary and may call for and examine the record of any such inquiry or proceedings, and pass such order thereon as it thinks fit :

Provided further that the State Government, or the Commissioner, shall not pass any order under this clause which adversely affects any person, unless such person has been given a reasonable opportunity of being heard."

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 5368-F.—Sachivalaya Annexe, Bombay-32, 30th October 1968.—In exercise of the powers conferred by sub-section (1), read with clauses (c), (d), (e), (h), (i), (ii) and (j) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), G.S.R. 1111, dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Articles (Regulation of Distribution by Card System) Order, 1968, namely:—

1. This Order may be called the **Maharashtra Scheduled Articles (Regulation of Distribution by Card System) (Fifth Amendment) Order, 1969.**

2. For clause 14 of the **Maharashtra Scheduled Articles (Regulation of Distribution by Card System) Order, 1968**, the following clause shall be substituted, namely:—

"14. *Power to call for and examine records of proceedings and revise orders.*—The State Government, or the Commissioner of the Division, may, on an application made to it or him by an aggrieved person within thirty days from the date of receipt by him of any order by which he is aggrieved, stay the enforcement of such order if considered necessary and may call for and examine the record of an inquiry or proceedings of any officer exercising or failing to exercise the powers under this Order to add to, amend, vary, suspend or cancel any authorisation issued or deemed to be issued under clause 2A or any supply card issued or deemed to be issued under clause 4 or to forfeit the deposit (or any part thereof) paid or deemed to be paid by an authorised fair price shop as security or to take any other action under the provisions prescribed by

by or under this Order, for the purpose of satisfying itself or himself as to the legality or propriety of the order passed by such Officer, and as to the regularity of the proceedings of such officer and may pass such order thereon as it or he, as the case may be, thinks fit:

Provided that, the State Government may, at any time, during the pendency of any inquiry or proceedings or within one year from the date of any order passed by any Officer under the provisions prescribed by or under this Order, *suo motu* stay any pending inquiry or proceedings or the enforcement of such Order if considered necessary and may call for and examine the record of any such inquiry or proceedings, and pass such order thereon as it thinks fit:

Provided further that, the State Government or the Commissioner, shall not pass any order under this clause which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.”.

Published in the *Gujarat Govt. Gazette*, Part I-A, Central section, dated December 4, 1969/Agrahayana 13, 1891.

PANCHAYATS AND HEALTH DEPARTMENT

No. KP-1756 (A)-PRR-43-(8)/69 JH.—Sachivalaya, Ahmedabad 15, 26th November 1969.—In exercise of the powers conferred by section 323 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964, namely:—

1. These rules may be called the **Gujarat Gram and Nagar Panchayats Taxes and Fees (Amendment) Rules, 1969.**

2 In the Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964, after Part XVIII the following Parts shall be inserted, namely:—

PART XIX

TOLL

142. *Definitions*—In this Part unless the context otherwisch requires:—

“Toll Naka” means a Panchayat Naka or station fixed by the Panchayat with the approval of the District Development Officer under rule 143 through which the vehicles and animals enter within the limits of its jurisdiction

143. *Fixing of Toll Nakas*.—A Panchayat which decides to levy toll shall with the approval of the District Development Officer, fix toll nakas within the limits of its jurisdiction.

144. *Rate of toll*.—Toll may be levied by a Panchayat on all or any loaded or unloaded vehicle (other than motor vehicles or trailers save as provided in section 20 of Bombay Motor Vehicles Tax Act, 1958) and on animals specified in column 1 of the Schedule Annexed to this Part on their entry into the toll naka limits at such rate as may be fixed by it but not below the minimum and not exceeding the maximum rate specified in columns 2 and 3 respectively of the Schedule:

Provided that no toll shall be leviable on the vehicles, boats or animals on which the tax has been levied under parts VI of these rules.

145. *Exemption from toll*.—No toll shall be levied on:—

(a) any vehicle or animal carrying goods belonging to a local authority or Government.

(b) any vehicle or animal belonging to the residents of the Panchayats and paying tax under part VI of these rules.

(c) any vehicle or animal used for passage of troops or for the passage of military or police officers on duty or the passage of any persons or property in their custody.

(d) any vehicle or animal in transit.

146. *Receipt for payment of toll*—The Secretary or the person authorised by the Panchayat in this behalf shall receive the payment made in respect of toll and give a receipt for the same in the form determined by the Panchayat.

SCHEDULE

(Rule 144).

Designation of vehicle and animals	Rate of toll	
	Minimum	Maximum
1	2	3
1. For each loaded or unloaded vehicle drawn by human agency by one animal	Re 0.03 paise per day	Re. 0.12 paise per day
2. For each loaded or unloaded vehicle drawn by two or more animals.	Re 0.06 paise per day	Re. 0.30 paise per day
3. For each loaded animal	Re. 0.05 paise per day	Re. 0.20 paise per day

Published in the *Gujarat Govt. Gazette*, Part IV B, dated January

29, 1970/Maghar 9, 1891.

PUBLIC WORKS DEPARTMENT

No. GHJ/24/BRA-1869/7608-A.—Sachivalaya, Ahmedabad-15, 21st January 1970.—In exercise of the powers conferred by sub section 2 of section 6 of the **Bombay Rents, Hotel and Lodging House Rates Control Act, 1947** (Bom. LVII of 1947) the Government of Gujarat hereby specifies that in the area of Viraval village of Navsari taluka of Bulsar District, the provision of Part II of the said Act shall, with effect from the date of the publication of this notification in the Official Gazette, apply to premises let for residence.

INDUSTRIES, MINES AND POWER DEPARTMENT

No. GHU-121(A)/WMA/1070/158/KH.—Sachivalaya, Ahmedabad-15, 27th January 1970.—In exercise of the powers conferred by section 46 of the **Bombay Weights and Measures (Enforcement) Act, 1948**, the Government of Gujarat amends with effect from 1st February 1970, the **Bombay Weights and Measures (Enforcement) (First amendment) Rules, 1969**, as under namely:—

For item No.5 viz., "Beam Scales (Class C and D), mentioned in schedule X to the **Bombay Weights and Measures (Enforcement) (First amendment) Rules, 1969**, the following shall be substituted namely:—

5. *Beam Scales (Classes C and D):—*

	Rs P.
Above 1 tonne	15.00
• Above 250 Kg. and not exceeding 1 tonne	6.00
Above 50 Kg. and not exceeding 250 Kg.	4.00
Above 20 Kg. and not exceeding 50 Kg.	2.50

Above 10 Kg. and not exceeding 20 Kg.	•	2.00
Above 500 g. and not exceeding 10 Kg.	•	1.50
Not exceeding 500g.	•	0.75

* Published at pages 217-218.

Published in the *Gujarat Govt. Gazette* Part IV A dated December 11, 1969/Agrahayana 20, 1891

CIVIL SUPPLIES DEPARTMENT

No. GTH/63(A)ECA-1069/ Sachivalaya, Ahmedabad-15, 6th December, 1969.— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the order of the Government of India in the Ministry of Commerce No. 26 (ii) COM-(GEN)/66, dated 18th June, 1966, the Government of Gujarat hereby amends the **Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969**, as follows, namely:—

In the said Order,—

(1) after sub clause (1) of clause 2, following sub-clause shall be inserted namely:—

“(1-A) “bulk consumer” means a person holding a permit issued by a competent authority for the purchase of light diesel oil exceeding in quantity 200 litres at a time as a bulk consumer;”

(2) in clause 4 —

(a) in the heading after the word “retailer” the words “or bulk consumer” shall be added;

(b) after the word “retailer” the words “or a bulk consumer” shall be inserted

Published in the *Gujarat Govt. Gazette*, Part IV B, No. 49, dated December 11, 1969/Agrahayana 20, 1891

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. (GH-KH-483)-1269/23795-C. Sachivalaya, Ahmedabad-15, 20th November, 1969.—In exercise of the powers conferred by Section 13-A of the **Bombay Money Lenders Act, 1946** (Bom. XXXI of 1947) the Government of Gujarat hereby authorises the Additional Cooperative Officers (Money-lending) mentioned in column No. 2 in the schedule below, for the purposes of the said section, and defines the area comprising the districts mentioned against him in column 4 of the said schedule to be the area within which he shall exercise his powers and perform his duties.

SCHEDULE

Sr. No.	Name of the Officer	Head Quarter	Area (District)
1	2	3	4
1.	Additional Cooperative Officer (Money-lending)	Ahmedabad	Ahmedabad, Gandhinagar
2.	Additional Cooperative Officer, (Money-lending).	Mehsana	Mehsana, Sabarkantha, Banaskantha.

No. GHM 3663/M/CTS 1069/182152-H. Sachivalaya, Ahmedabad-15, 26th November, 1969 —In exercise of the powers conferred by Sections 18 and 19 of the **Bombay Land Revenue Code, 1879** (Bom. V of 1879) the Government of Gujarat is pleased to confer upon City Survey Mamlatdar, Ahmedabad District, Ahmedabad, all the powers and duties

es of survey and Settlement Officer, in charge of survey for the purposes of survey of lands other than these used ordinarily for the purposes of Agriculture only within the limits of Sardarnager Town, District Ahmedabad.

Published in the *Maharashtra Govt Gazette*, Part IV-B, dated December, 11, 1969, page 2.

LAW AND JUDICIARY DEPARTMENT

No. 129-B-N.—Camp Office, Nagpur 1st December 1969.—In exercise of the powers conferred by sub section (2) of section 1 of the **Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Act, 1969** (Mah. LI of 1969), the Government of Maharashtra hereby appoints the 1st day of December 1969 to be the date on which the said Act shall come into force.

No. 130-B-N.—Camp Office, Nagpur 1st December 1969.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Legislature Members' Salaries and Allowances (Third Amendment) Act, 1969** (Mah. LII of 1969), the Government of Maharashtra hereby appoints the 1st day of December 1969 to be the date on which the said Act shall come into force.

No. 131-B-N. Camp Office, Nagpur, 1st December 1969. - In exercise of the powers conferred by sub section (2) of section 1 of the **Bombay Ministers' Salaries and Allowances (Second Amendment) Act, 1969** (Mah. L of 1969), the Government of Maharashtra hereby appoints the 1st day of December 1969 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Government Gazette*, Part IV-B, dated December 11, 1969/Agrahayana 20, 1891.

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING DEPARTMENT

No. BRB-1369 J—Sachivalaya Bombay-32, 1st December, 1969.—In exercise of the powers conferred by sub section(1) of s. 27 of the **Bombay Building Repairs and Reconstruction Board Act, 1969** (Mah. XLVII of 1969), the Government of Maharashtra hereby appoints the 1st day of January, 1970, as the date from which a tax on buildings and lands called the Bombay Building Repairs and Reconstruction Cess shall be levied and paid to the State Government at the prescribed rate,

Published in the *Maharashtra Government Gazette*, Part I-A, Central Section, dated December 11, 1969/Agrahayana 20, 1891

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING DEPARTMENT

Bombay-32 25th October, 1969

No. MMA 1569/56424-I-A.—In exercise of the powers conferred by sub-section (1) of section 74 of the **Maharashtra Municipalities Act, 1965** (Mah. XL of 1965), the Government of Maharashtra hereby appoints each of the Collector in the State (excluding Greater Bombay) to be the Regional Director of Municipal Administration, who shall have jurisdiction over the District within his charge.

No. MMA. 1569-56424-II-A.—In exercise of the powers conferred by

the proviso to sub-section (3) of section 74 of the **Maharashtra Municipalities Act, 1965** (Mah. XL of 1965), the Governor of Maharashtra hereby directs that the Director of Municipal Administration may until further orders reserve to himself all his powers and duties, except those specified in the Schedule hereto appended.

SCHEDULE

The power to entertain and dispose of any appeal under sub-section (6), read with sub-section (7), of section 79 of the said Act against an order made by any Council imposing a penalty mentioned in sub-section (1) of that section, except in cases where an order of dismissal is passed with the prior approval of the Collector under sub-section (4) of the said section 79.

Sachivalaya Bombay-32, 2nd December, 1965.

No. MUN. 5669/58700-A-I.—In exercise of the powers conferred by sub-section (3) of section 13 of the **Maharashtra Land Revenue Code, 1966** (Mah. XLI of 1966), the Government of Maharashtra directs that the Additional Collector of Thana shall exercise the powers and discharge the duties and functions of the Collector under the provisions of the **Maharashtra Municipalities Act, 1965** (Mah. XL of 1965).

No. MUN. 5669/58700-A-II.—In exercise of the powers conferred by sub-section (3) of section 13 of the **Maharashtra Land Revenue Code, 1966** (Mah. XLI of 1966), the Government of Maharashtra directs that the Additional Collector of Poona shall exercise the powers and discharge the duties and functions of the Collector under the provisions of the **Maharashtra Municipalities Act, 1965** (Mah. XL of 1965).

Published in the *Maharashtra Government Gazette*, Part I-L, dated November 20, 1969/Kartika 29, 1891.

INDUSTRIES AND LABOUR DEPARTMENT

No. MWA. 1365/147883/LAB-III.—Sachivalaya, Bombay-32, 14th November, 1969.—In exercise of the powers conferred by clause (n) of sub-section (2) of section 30 of the **Minimum Wages Act, 1948** (XI of 1948), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 30 :—

RULES

1. These rules may be called the **Maharashtra Minimum Wages (Amendment) Rules, 1969**.

2. In Chapter IV of **Maharashtra Minimum Wages Rules, 1963**, after rule 31, the following shall be added, namely :—

“31A. Maintenance of false registers, etc. prohibited. No employer shall wilfully,—

(i) maintain or cause to be maintained any register or record which he knows to be false, or

(ii) make or cause to be made any entry which he knows to be false in any register or record required to be maintained under the Act, or

(iii) omit or cause to be omitted any entry which is required to be made under the Act in any such register or record, or

(iv) furnish any information which he knows to be false, to the Inspector.”

Published in the *Maharashtra Government Gazette*, Part IV-A, dated
November 20, 1969/Kartika 29, 1891.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 22/9/F—Sachivalaya Annexe, Bombay-32, 12th November, 1969.—In pursuance of clause 10 of the Maharashtra Foodgrains Rationing (Second) Order, 1966, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Regulations further to amend the Maharashtra Foodgrains Rationing (Second) Regulations, 1966, namely:—

1. These Regulations may be called the **Maharashtra Foodgrains Rationing (Second) (Sixth Amendment) Regulations, 1969.**

2. In the Maharashtra Foodgrains Rationing (Second) Regulations, 1966, to clause 19, the following proviso shall be added at the end, namely:—

“Provided that, no such fees shall be charged for the issue of any duplicate ration card if the Rationing Officer is satisfied that the original ration card was lost, torn or defaced on account of fire, flood or other natural calamity or is required to be produced in a Court or for purposes of evidence before any person holding an inquiry or is required to be retained for official correspondence or the duplicate ration card is required to be issued on account of some mistake on the part of the issuing Office”.

Published in the *Maharashtra Govt. Gazette*, Part IV (Kha),
dated November 13, 1969/Kartika 22, 1891 Page 961.

**BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

No. P. 1303/68.—The Honourable the Chief Justice and Judges are pleased to direct that the words “issued by the Court of any Magistrate” appearing in the sentence beginning with the words “The fees chargeable for serving etc” in Paragraph 1 in Chapter-11 of the **Criminal Manual 1960** at page 19 be substituted by the words “issued by Criminal Courts”.

High Court, Appellate Side.
Bombay 5th November 1969.

A. P. YAJNIK,
Additional Registrar.

Published in the *Maharashtra Government Gazette*, Part IA,
Central Section dated December 4, 1969, Page 84.

**URBAN DEVELOPMENT, PUBLIC HEALTH AND
HOUSING DEPARTMENT**

No. UMR. 1069-Unification-IV.—Sachivalaya, Bombay, 26th November 1969.—In exercise of the powers conferred by sub-section (2) of section 321 read with sections 17 and 51 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Municipalities (President and Vice-President Elections) Rules, 1967, the same having been previously published as required by sub-section (3) of section 321, namely:—

RULES

1. These rules may be called the **Maharashtra Municipalities (President and Vice-President Elections) (Amendment) Rules*, 1969.**

2. In the Maharashtra Municipalities (President and Vice President Elections) Rules, 1967, in rule 6 of the principal rules, in sub-rule (4)

for the words "persons withdrawing their candidature." the words "candidates withdrawing their candidatures," shall be substituted.

Published in the *Maharashtra Government Gazette* Part I-A,
dated December, 4, 1969

HOME DEPARTMENT

No. MVA. 5960/35835-XII.—Sachivalaya, Bombay-32, B.R., 18th November, 1969.—In exercise of the powers conferred by clauses (b) and (c) of section 111A of the Motor Vehicles Act, 1939 (IV of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Fourth Amendment) Rules, 1969.**

2. In rule 291 of the Bombay Motor Vehicles, Rules, 1959, (hereinafter referred to as the said Rules),—

(1) In sub-rule (1), for the words "Motor Accidents Claims Tribunal" the words "Claims Tribunal" shall be substituted ;

(2) in sub-rule (2), for the word "Tribunal", where it occurs for the first time, the words "Claims Tribunal" shall be substituted.

3. For rule 294 of the said Rules, the following shall be substituted, namely :—

"294.—*Powers vested in Civil Court, which may be exercised by Claims Tribunal.*—(1) Without prejudice to the provisions of section 110 C,—

(a) every Claims Tribunal constituted by the State Government under section 110 may exercise all or any of the powers vested in a Civil Court under the following provisions of the Code of Civil Procedure, 1908, in so far as they may be applicable, namely :—

Section 30, 32, 34, 35, 35A, 75(a) and (c), 76, 77, 94, 95, 132, 133, 144, 145, 147, 148, 149, 151, 152, and 153 ; and

(b) and subject to the provisions of section 110 E,—

(i) any Claims Tribunal constituted for Greater Bombay, where the amount of compensation awarded by it does not exceed Rs. 25,000 shall have all the powers of the City Civil Court, and where such amount exceeds Rs. 25,000 shall have all the powers of the High Court, for the purpose of execution of the award, as if the award, was a decree for the payment of money made in a suit by the City Civil Court or the High Court, as the case may be ;

(ii) any Claims Tribunal constituted for any area outside Greater Bombay shall have all the powers of the Court of Civil Judge (Senior Division) for the purpose of execution of any award for compensation made by it, as if the award is a decree for the payment of money made in a suit by such Court.

(2) For purposes other than those specified in sub-rule (1), the Claims Tribunal may exercise all or any of the powers of Civil Court as may be necessary in any case for discharging its functions under the Act and these rules.

4. For Rule 297 of the said rules, the following shall be substituted, namely :—

"297. *Notice to opposite party.*—If the application is not dismissed under rule 296, the Claims Tribunal shall, on an application in writing

made to it by the applicant, sent to the owner or the driver of the vehicle or both from whom the applicant claims relief (hereinafter referred to as "the opposite party") and the insurer, a copy of the application, together with a notice of the date on which it will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender."

5. In rule 307 of the said rules, the words "on payment of such expenses and fees, if any, as it may determine" shall be deleted.

6. After rule 307 of the said rules, the following new rule shall be inserted, namely :—

'307.A. *Fees for process*.—The fees to be taken for any process issued by the Claims Tribunal shall be in the scale as may be determined by the Tribunal from time to time, but shall not exceed those taken for a similar process by the Bombay City Civil Court in Greater Bombay, and by the District Courts elsewhere."

7 For rule 310 of the said rules, the following shall be substituted, namely :—

"310.—*Procedure to be followed by Claims Tribunal in holding inquiries*.—(1) The following provisions of the Code of Civil Procedure, 1908, shall, so far as may be, apply to the proceedings before every Claims Tribunal, namely :—

(a) Sections 28, 29 and 32 ;

(b) in the First Schedule, Order V, rules 9 to 13 (both inclusive) and 15 to 30 (both inclusive); Order VI, rules 4, 5, 7, 10, 11, 16, 17, 18; and Order VII, rule 10; Order VIII, rules 1 to 5 (both inclusive), 9 and 19; Order IX; Order XI, rules 12 to 15 (both inclusive), 17 to 21 (both inclusive) and 23; Order XII, rules 1, 2, 3A, 4, 7 and 9; Order XIII, rules 3 to 10 (both inclusive); Order XIV, rules 2 and 5; Order XVI; Order XVII; Order XVIII, rules 1 to 34 (both inclusive), 10 to 12 (both inclusive) and 15 to 18 (both inclusive); Order XX, rules 1 to 3 (both inclusive), 8, 11, and 20; Order XXI; Order XXII, rules 1 to 7 (both inclusive), and 9; Order XXIII, rules 1 to 3 (both inclusive); Order XXIV; Order XXVI, rules 1 to 8 (both inclusive) and 15 to 18 (both inclusive); Order XXVII; Order XXVIII; Order XXIX; Order XXX, rules 1, 3 to 8 (both inclusive) and 10; Order XXXII, rules 1 to 15 (both inclusive); Order XXXVII, rules 1 to 11 (both inclusive) and Order XXXIX, rules 1 and 3 to 5 (both inclusive). In so far as the Act and these rules make no provision or make insufficient provision, the relevant provisions of the Code of Civil Procedure, 1908, shall so far as may be apply to the proceedings before the Claims Tribunal."

8. After rule 311 of the said rules the following new rule shall be inserted, namely :—

"311.A. *Registrar*.—The State Government may appoint a Registrar of the Claims Tribunal, who shall be the Chief ministerial officer of the Tribunal and shall exercise such powers and discharge such duties of a ministerial nature as the Member of the Tribunal or where the Tribunal consists of more than one Member, the Chairman of the Tribunal may, from time to time, by order direct."

* These rules were last amended by Government Notification, Home Department, No. MTA 2066/51483-XII, dated the 21st October 1969 published at pages 1058, 1059 to 1060 of the Maharashtra Government Gazette, Part IV-A, dated the 30th October 1969.

Published in the *Maharashtra Govt. Gazette*, Part IV (Kha) dated November 27, 1969

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

No. P. 1231/68 — The Honourable the Chief Justice and Judges with the previous approval of Government are pleased to direct that the following Paragraphs and the heading be substituted for the existing Paragraph 21 of Chapter II at page 42 of the *Criminal Manual, 1960* and the heading above the said Paragraph:—

“Summonses to Revenue Officers, Treasury Officers and the Additional Commissioner of Railway Safety.

21. In summoning Revenue Officers of any Description or all treasury officers, due consideration shall be had to the loss and inconvenience the public service may suffer from the absence of those Officers from their duties. When their evidence is required, they should be detained for as short a period as possible, and their personal attendance should be dispensed with, whenever it can be, consistently with the requirements of justice.”

High Court, Appellate Side,
Bombay, 25th November, 1969.

A. P. YAJNIK,
Additional Registrar.

Published in the *Maharashtra Govt. Gazette*, Part IV B, dated November, 27, 1969

GENERAL ADMINISTRATION DEPARTMENT (ACCOMMODATION)

Dep'tt. No. CO-Municipal Tax increase.—Sachivalaya, Annexe, Bombay-32 13th November 1969.—In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Maharashtra hereby amends the Bombay Land Requisition (Determination of Compensation) Rules, 1949, as follows, namely:—

1. These rules may be called the **Bombay Land Requisition (Determination of Compensation) (Amendment) Rules, 1969***

2. In Rule 5-C of the Bombay Land Requisition (Determination of Compensation) Rules, 1969,—

(a) for the words figures and letters “section 142 of the Act or both such cess and tax have been levied on and with effect from the 1st day of April 1958” the following shall be substituted, namely:—

“section 142 of that Act or both such cess and tax have been levied on and with effect from the 1st day of April 1958 or any additional property tax (including the additional general tax, education cess, halalkhore tax or water tax), has become recoverable in accordance with the provisions of section 147 of that Act, with effect from any subsequent date”:

(b) for the words, figures and letters “the 1st day of April 1958 be increased by an addition to the rent at the rates specified below” the following shall be substituted, namely:—

“the 1st day of April 1958 or as the case may be, such subsequent date, be increased by an addition to the rent, at the rates or of the amount, specified below:—

(c) in the Table.—

(i) in the column opposite entry (1), after item (b) the following shall be inserted namely:—

“(c) An amount equal to the additional property tax (including the additional general tax, education cess, Halalkhore tax or water tax) levied in respect of such premises in pursuance of rule 5-C.”

(ii) in the column opposite entry (2), after item (b), the following shall be added, namely :—

“(c) An amount equal to the additional property tax (including the additional general tax, education cess, Halalkhore tax or water tax) levied in respect of such premises in pursuance of rule 5-C.”.

*printed at pages 1666-1667.

REVENUE AND FORESTS DEPARTMENT

No. TNG-6769/220714-M —Sachivalaya, Bombay-32, 17th November 1969.—In exercise of the powers conferred by clause (2E) of section 2 of the **Bombay Tenancy and Agricultural Lands Act, 1948*** (Bom. LXVII of 1948), the Government of Maharashtra hereby specially empowers the Leave Reserve Deputy Collector and the Resident Deputy Collector in the district of Thana to exercise the powers and perform the functions of the Collector under the said Act, in the Thana District.

*Printed at page 1702.

No. UNF 1567-(J)-R —Sachivalaya, Bombay 32, 19th November 1969.—In exercise of the powers conferred by clause (xix) of sub-section (2) of section 328 and sub-section (2) of section 329 of the Maharashtra Land Revenue Code, 1963 (Mah. XLI of 1966), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) Rules, 1968, the same having been published as required by sub-section (1) of section 329 of the said Code, namely:—

1. These rules may be called the **Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) (Amendment) Rules, 1969***

2. In rule 4 of the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) Rules, 1968 (hereinafter referred to as the principal rules),—

(a) in the proviso, the brackets and words “(regard being had to the income derived from such occupation)” shall be deleted; and

(b) the following explanation shall be added at the end, namely:—

“*Explanation.*—For purposes of this rule, an occupation carried out by any potter or maker of bricks or tiles shall be deemed to be sufficiently extensive or lucrative if the value of the turn over of goods manufactured through such occupation is not less than twenty thousand rupees per annum.”

3. In rule 8 of the principal rules the following shall be added at the end namely:—

“Provided that a person who, without obtaining the permission of Talathi as required by rule 2, extracts minor mineral of the value not exceeding Rs. 25, shall be punishable with fine equal to the amount of the royalty chargeable on the material so extracted under the provisions of rules made under the Mines and Minerals (Regulation and Development) Act 1957.”

*Printed at pages 1702—1703.

Published in the *Maharashtra Government Gazette*, Part IV-A, dated December 11, 1969/Agrahayana 21, 1891

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 1963-F.—Sachivalaya Annexe, Bombay-32, 27th November 1969.—In exercise of the powers conferred by sub-section (1), read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2), and

with sub-section (3B) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G. S. R. 1111, dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order to amend the Maharashtra Scheduled Foodgrains (Stocks Declaration and Procurement and Disposal, Acquisition, Transport and Price Control) Order, 1966, namely:—

1. This Order may be called the **Maharashtra Scheduled Foodgrains (Stocks Declaration and Procurement and Disposal, Acquisition, Transport and Price Control) Third Amendment) Order, 1969.**

2. In the Maharashtra Scheduled Foodgrains (Stocks Declaration and Procurement and Disposal, Acquisition, Transport and Price Control) Order, 1966 (hereinafter referred to as "the said Order"), in clause 1, in sub-clause (4), for the figures, letters and words "30th day of November 1969" the figures, letters and words "30th day of November 1970" shall be substituted.

3. In the said Order, in clause 2, in sub-clause (b), in paragraph (ii), for the words "or a Deputy Collector" the words, "a Deputy Collector, a Foodgrains Distribution Officer or an Assistant Foodgrains Distribution Officer" shall be substituted.

No. ECA. 1869-F.—Sachivalaya Annexe, Bombay-32, 27th November 1969.—In exercise of the powers conferred by sub-section (1), read with clauses (a) and (i) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Poha and Kurmura (Restriction on Manufacture) Order, 1966, namely:—

1. This Order may be called the **Maharashtra Poha and Kurmura (Restriction on Manufacture) (Second Amendment) Order, 1969.**

2. In the Maharashtra Poha and Kurmura (Restriction on Manufacture) Order, 1966, in clause 1, in sub-clause (4), for the figures, letters and word "30th November 1969" the figures, letters and word "30th November 1970" shall be substituted.

No. ECA. 3169-F.—Sachivalaya Annexe, Bombay-32, 27th November, 1969.—In exercise of the powers conferred by sub-section (1), read with clauses (d), (i) and (j) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111 dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Foodgrains (Export Control) Order, 1966, namely:—

1. This Order may be called the **Maharashtra Foodgrains (Export Control) (Third Amendment) Order, 1969.**

2. In the Maharashtra Foodgrains (Export Control) Order, 1966, in clause 1, in sub-clause (4), for the figures, letters and word "30th

November 1969" the figures, letters and word, "30th November 1970" shall be *substituted*.

Published in the *Maharashtra Government Gazette*, Part IV-B, dated December 11 1969/Agrahayana 20, 1891.

REVENUE AND FORE-T DEPARTMENT

No. ICH. 1668/156472-M(Spl).—Sachivalya, Bombay-32, dated 3rd December, 1969.—In exercise of the powers conferred by clause (6) of section 2 of the **Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961** (Mah XXVII of 1961), the Government of Maharashtra hereby empowers Shri D. S. Kulkarni, Deputy Collector, to exercise the powers and perform the functions of the Collector by or under the said Act in Poona District.

Published in the *Maharashtra Government Gazette*, Part IV-A, dated March 12, 1970/Phalguna 21, 1891.

No. 4876/123-C/Adm of 1970.—In exercise of the powers vested in him by clauses (xa) and (y) of sub-section (1) of section 33 of the Bombay Police Act, 1951 (Bom XXII of 1951), and of all other powers enabling him in that behalf, the Commissioner of Police, Greater Bombay, with the previous sanction of the Government of Maharashtra, hereby makes the following rules to amend the Greater Bombay Eating Houses Registration Rules, 1969, the same having been previously published as required by sub section (6) of the said section 33, namely:—

1. These rules may be called the **Greater Bombay Eating Houses Registration (Amendment) Rules 1970**.

2. In the Greater Bombay Eating Houses Registration Rules, 1969 (hereinafter referred to as "the principal rules"), in sub-rule (1) of rule 3, for the words "a challan in proof of payment of the fee" the words "the registration fee" shall be substituted.

3. In rule 3 of the principal rules, after sub-rule (1) of rule 3, the following shall be inserted, namely:—

"(1A) the Registering Authority shall, on payment of the registration fee, give a receipt to the applicant in token of having received the registration fee prescribed under rule 5."

4. In rule 6 of the principal rules, for the words "a challan in proof of payment of the fee" the words "the registration fee" shall be substituted.

5. In Form I appended to the principal rules, for the words "I enclose a challan for an amount of Rs as a proof of payment of the fee" the words "I hereby tender the registration fee of Rs....." shall be substituted.

Office of the
Commissioner of Police :
Bombay, March 5, 1970

E. S. MODAK,
Commissioner of Police,
Greater Bombay.

Published in the *Maharashtra Government Gazette*, Part IV-A, dated February 19, 1970

BY THE HIGH COURT OF JUDICATURE AT BOMBAY ORIGINAL SIDE

No. G/489.—Bombay, 11th February 1970.—The Honourable the Acting Chief Justice and Judges are pleased to make the following Amendment in the Rules of the High Court of Bombay, **Original Side, 1967**:—

Substitute the following for rule 573(i) :

"573 (i) (a) In every suit or proceeding in the High Court an attorney shall lodge his bill of costs for taxation, whether the bill be between party and party or otherwise, within five years after the disposal of the suit or proceeding and if an appeal is filed in the High Court within five years from the disposal of such appeal :

Provided that where the suit, matter or appeal has been disposed of prior to the 31st January 1970, the bill of costs for taxation shall be lodged on or before the 1st February 1975 ;

(b) The Chamber Judge may, for good cause, enlarge the time appointed by this rule on such terms as he may deem proper."

Substitute the following for rule 573 (ii) : —

"573 (ii) (a) In the case of matters which are not the subject matter of any proceedings in the High Court, an attorney shall lodge his bill of costs for taxation within five years from the completion of the matter :

Provided that where the matter has been completed prior to the 31st January 1970, the bill of costs for taxation shall be lodged on or before the 1st February 1975 ;

(b) The Chamber Judge may, for good cause, enlarge the time appointed by this rule on such terms as he may deem proper".

SAROSH H. A. VAKIL,

Prothonotary and Senior Master.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY APPELLATE SIDE

No. P. 0112/69.—The Honourable the Chief Justice and Judges with the previous approval of the Government are pleased to direct that the following be added as sub-paragraph (5-A) after the existing sub-paragraph (5) of Paragraph 208 in Chapter IX of the Civil Manual, 1960, Volume I, at page 73 :—

"(5-A). The Judge should compare the memorandum of substance of the deposition made by him under Order XVIII, rule 8 of the Civil Procedure Code with the deposition recorded in the regional language when it is read out in open court and see that none of the statements contained in the memorandum are omitted from the record of the deposition made in the regional language."

High Court, Appellate Side.

Bombay, 13th February 1970.

A. P. YAJNIK,

Additional Registrar.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY APPELLATE SIDE

No. P. 0112/69.—The Honourable the Chief Justice and Judges with the previous approval of the Government are pleased to direct that the following be added at the end of sub-paragraph (1) of Paragraph 13 in Chapter V of the Criminal Manual, 1960, at page 81:—

"They should compare the memorandum of substance of the deposition made by them with the deposition recorded in the regional language when it is read out in open court and see that none of the statements contained in the memorandum are omitted from the record of the deposition made in the regional language."

High Court, Appellate Side.

Bombay, 13th February 1970.

A. P. YAJNIK,

Additional Registrar.

BY THE INSPECTOR GENERAL, OF REGISTRATION MAHARASHTRA STATE, POONA

No. AD/406/3668-69 —In exercise of the powers vested in him under Rule 3 of the Maharashtra Registration Rules, 1961, the Inspector General of Registration hereby amends with effect from 1st March 1970, his

Notification No A D. 406, dated 1st January 1962, as amended from time to time, as follows namely:—

In the schedule appended to the said Notification under the heading 'Poona District' for the entries in Columns 2 and 3, against the entries in column 1, the following shall be substituted, namely —

Wada ... On every first and third Saturday in each month during the months of April, May and June.

S M KAMBUDDIN,

Insp ector General of Registration,
Maharashtra State, Poona.

Poona, 13th February 1970.

Published in the *Maharashtra Govt. Gazette*, Part IV-A, dated February, 26, 1970

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

No. P. 0803/69.—The Honourable the Chief Justice and Judges with the previous approval of Government under section 3 of the Destruction of Records Act, 1917, are pleased to direct that the following amendments be made in Paragraph 4 of Chapter XVII of the **Criminal Manual, 1961**, for use of Presidency Magistrates in Greater Bombay.

I

Insert the following entry as entry No. 15 after the existing entry No. 14 in Paragraph 17(i) at page 28:—

"(15) Section 90A of the Bombay Police Act, 1951.

II

Insert the following entries as entries 14 to 31 after the existing entry 13 in Paragraph 17(iii) at page 29:—

- "14. The Indian Electricity Act, 1910.
 15. Indian Post Office Act, 1898.
 16. The Indian Explosives Act, 1884.
 17. Explosive Substances Act, 1908.
 18. Essential Commodities Act, 1955 (where the accused has pleaded guilty).
 19. The Industries (Development and Regulation) Act, 1951.
 20. Foreigners' Act, 1946 (where the accused has pleaded guilty).
 21. Income Tax Act, 1961.
 22. Bombay Sales Tax Act, 1959.
 23. Dangerous Drugs Act, 1930.
 24. The Bombay Drugs (Control) Act, 1960.
 25. Bombay Children Act, 1948.
 26. Suppression of Immoral Traffic in Women and Girls Act, 1956 (where the accused has pleaded guilty).
 27. The Bombay Money Lenders Act, 1946.
 28. The Minimum Wages Act.
 29. The Drugs and Cosmetics Act, 1949.
 30. Copyright Act, 1957.
 31. The Forward Contract (Regulation) Act, 1952."
- High Court, Appellate Side, }
 • Bombay 16th February 1970. } A.P. YAJNIK,
 Additional Registrar.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

No. P. 0604/64.—The Honourable the Chief Justice and Judges with the previous approval of the Governor under Article 227 of the Constitution of India are pleased to direct that the following paragraph be added as Paragraph 504A after the existing Paragraph 504 in Chapter XXVI of the **Civil Manual 1960**, Volume I, at page 219.—

"504A. (1) Notwithstanding anything contained in the foregoing

paragraph where notes of evidence are taken down on a typewriter to the dictation of the presiding officer, ordinary copies of such notes of evidence may be supplied on request to the parties or their Advocates, subject to the following conditions, viz.:—

(i) they give an intimation in writing to the Court in that behalf before recording of the evidence commences;

(ii) they supply the stationery required for the purpose, and

(iii) they also pay charges for the copies at the following rates—

In all Civil Courts in the Mofussils		In the Bombay City Civil Court, Bombay	
When only one party applies	When more parties than one apply, to be shared equally by all	When only one party applies	When more parties than one apply, to be shared equally by all
8 Paise per folio of 10 words	12 Paise per folio of 100 words	12 Paise per folio of 100 words	18 Paise per folio of 100 words

(2) Notwithstanding anything contained in sub-paragraph (1) no such charges as prescribed in condition (iii) of that sub-paragraph shall be payable by—

(a) the Government of Maharashtra or a servant of the Government of Maharashtra whose defence has been undertaken by the Government of Maharashtra;

(b) persons who have been given legal assistance at the cost of the Government of Maharashtra under any of its schemes for legal assistance; and

(c) persons who are permitted to sue or defend in forma pauperis.

(3) The charges so collected shall be appropriated by the stenographer or the typist who prepares the copies. He shall not use Government Stationery for such copies.

High Court, Appellate Side
Bombay, 18th February 1970

A. P. YAJNIK,
Additional Registrar.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY APPELLATE SIDE

No. P. 0604/64.—The Honourable the Chief Justice and Judges with the previous approval of the Governor under Article 227 of the Constitution of India are pleased to direct the following Paragraph be added as Paragraph 17-A after the existing Paragraph 17 of Chapter XVIII of the **Criminal Manual 1960**, at Page 213:

“17-A(1) Notwithstanding anything contained in the foregoing Paragraph, where notes of evidence are taken down on a typewriter to the dictation of the presiding officer, ordinary copies of such notes of evidence may be supplied on request to the parties or their Advocates, subject to the following conditions, viz.:—

(i) they give an intimation in writing to the Court in that behalf before recording of the evidence commences;

(ii) they supply the stationery required for the purpose, and

(iii) they also pay charges for the same at the following rates:—

In all the Criminal Courts in the Mofussils including the Sessions Court		In the Sessions Court for Greater Bombay and in the Presidency Magistrates' Courts, Bombay	
When only one party applies	When more parties than one apply, to be shared equally by all	When only one party applies	When more parties than one apply, to be shared equally by all

8 Paise per folio 100 words	12 Paise per folio • of 100 words	12 Paise per folio of 100 words	18 Paise per folio of 100 words
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(2) Notwithstanding anything contained in sub paragraph (1) no such charges as prescribed in condition (iii) of that sub paragraph shall be payable by—

(a) complainants and accused persons who have been given legal assistance at the cost of the Government of Maharashtra and under its various schemes for legal assistance;

(b) public prosecutors and police prosecutors appointed by the Government of Maharashtra; and

(c) accused persons who are defended at the cost of the Government of Maharashtra.

(3) The charges so collected shall be appropriated by the stenographer or the typist who prepares the copies. He shall not use Government stationery for such copies.

(4) Notwithstanding anything contained in the foregoing sub-paragraphs of this paragraph, the Court shall have power to direct that such copies be supplied to any accused person in indigent circumstances without recovering from him any charges and without requiring him to supply the required stationery. In such a case the stenographer or the typist shall use Government stationery."

High Court, Appellate Side
Bombay, 19th February 1970

A. P. YAJNIK,
Additional Registrar.

Published in the *Maharashtra Govt. Gazette*, Part IV-A, dated
February 12, 1970/Magha 23 1891

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

No. G/467.—Bombay, 9th February 1970.—The Hon'ble the Acting Chief Justice and Judges are pleased to make the following Amendment in the Rules of the **High Court of Bombay, Original Side, 1957:—**

Insert the following as Rule 41-A at page 9:—

'Senior Advocates' Rules framed by the High Court under section 16(2) of the Advocates Act, 1961.

1. (i) The Chief Justice and Judges may, with the consent of the advocate, designate an advocate as Senior Advocate, if in their opinion by virtue of his ability, experience and standing at the Bar the said advocate is deserving of such distinction.

(ii) The Chief Justice and the Judges may also, upon a written proposal made by a Senior Advocate with the consent of the advocate concerned endorsed thereon, designate such an advocate as Senior Advocate, if in their opinion by virtue of his ability, experience and standing at the Bar the said Advocate is deserving of such distinction.

(iii) The advocate to be designated as Senior Advocate shall ordinarily be one of not less than ten years' standing and the proposal, which shall be in the form given below, may be forwarded either by messenger or by post to the Registrar, High Court, Appellate Side, Bombay.

(iv) Upon conferment of the distinction on the advocate, the Registrar shall notify the same to the advocate concerned, to the Prothonotary and Senior Master on the Original Side to the Presidents of the High Court Bar Association and the Bar Councils of Maharashtra and India, and the Registrar of the Supreme Court, New Delhi.

FORM OF PROPOSAL

To

The Honourable the Chief Justice and the Judges of the High Court of Judicature at Bombay.

May it Please Your Lordships:

I, ... propose
(Name etc.)
Shri/Shrimati/Kumari
(Name etc.)
who was enrolled as an advocate by the Bar Council of Maharashtra
on.....and who continues to be on the Roll of
(Date)

Advocates maintained by the said Bar Council and who has been practising in this Court/in the.....Court
at.....for the last.....years, for
being designated as Senior Advocate, as in my opinion by virtue of his/
her ability, experience and standing at the Bar he/she is deserving of
such distinction.

Dated this day of 19 ..

I hereby express my consent to be
designated as Senior Advocate.

Dated this day of 19 ..
(Signature of the Advocate concerned). (Signature of the Senior Advocate)''.

SAROSH H A. VAKIL,
Prothonotary and Senior Master.

Published in the *Gujarat Govt. Gazette* Part IV-B, dated February 26,
1970/Phalguna 7, 1891

No. GHM 3547/M/SVC-1069/170631-H.—Sachivalaya, Ahmedabad-15, 13th February 1970.—In exercise of the powers conferred by sections 18 and 19 of the **Bombay Land Revenue Code, 1879**, (Bom. V of 1879), the Government of Gujarat is pleased to confer upon the Mamlatdar, Radhanpur, District Banaskantha, all the powers and duties of survey and settlement Officer in charge of survey for the purpose of survey of land other than those used ordinarily for the purpose of agriculture only within the limits of Radhanpur Town, District Banaskantha.

No. GH/G/1773/MVD/3369/72778(i)-E.—Sachivalaya Ahmedabad-15, 12th February 1970.—In exercise of the powers conferred by clause (7) of section 2 of the **Bombay Motor Vehicles Tax Act, 1958** (Bom. LXV of 1958), the Government of Gujarat hereby amends the Government Notification, Home and Civil Supplies Department No. GH/G/241/MTA/3363/5347 (i)/E, dated the 2nd November, 1964, as follows, namely:—

In the Schedule appended to the said notification:—

(1) in the entries against serial number 11, for the entries in Column 2, the following shall be substituted, namely:—

“The Districts of Kaira, Baroda, Panchmahals and Boarch”.

(2) in the entries against serial number 12, in column 1, the word “Assistant” shall be deleted.

No. GHG/1774/MVD/3369/72778(ii).E.—Sachivalaya, Ahmedabad-15, 12th February 1970.—In exercise of the powers conferred by clause (9) of section 2 of the **Bombay Motor Vehicles (Taxation of Passengers) Act, 1958** (Bom. LXVII of 1958), the Government of Gujarat hereby

amends the Government Notification, Home and Civil Supplies Department No. GH/G/242/MTA/3363/5347(ii) E, dated the 2nd November, 1964, as follows, namely:—

In the Schedule appended to the said notification:—

(1) in the entries against serial number 11, for the entries in Column 2, the following shall be substituted, namely:—

“The Districts of Kaira, Baroda, Panchmahals and Broach”.

(2) in the entries against serial number 12, in column 1, the word “Assistant” shall be deleted.

No. GH/G/1775/MVD/3369/72778(iii)-E.—Sachivalaya, Ahmedabad-15, 12th February 1970.—In exercise of the powers conferred by clause (j) of section 2 of the **Gujarat Carriage of Goods Taxation Act, 1962** (Guj. XXXIII of 1962), the Government of Gujarat hereby amends the Government Notification, Home and Civil Supplies Department No. GH/G/243/MTA/3363/5347/(iii)-E, dated the 2nd November, 1964 as follows, namely:—

In the Schedule appended to the said notification:—

(1) in the entries against serial number 11, for the entries in Column 2, the following shall be substituted, namely:—

“The Districts of Kaira, Baroda, Panchmahals and Broach”.

(2) in the entries against serial number 12, in column 1, the word “Assistant” shall be deleted.

Published in the *Gujarat Government Gazette*, Part IV-C, dated February, 19, 1970/Magha 30, 1891

GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION

3rd floor, Fadia Chambers,
Ashram Road, Navrangpura,
AHMEDABAD-9

dated 29th January 1970

No. GIDC/ALT/29(2).—In exercise of the powers conferred by section 54 of the Gujarat Industrial Development Act, 1962 (Guj. XXIII of 1962) the Gujarat Industrial Development Corporation hereby amends the **Disposal of property Regulation** as follows, namely:—

1. In the Disposal of property Regulations (hereinafter referred to as the said Regulations) in clause (22) of regulation 5—

(1) for the words “Hire-Purchase Deposit” the words “Hire-Purchase Fee” shall be substituted ;

(2) for the words “means non interest bearing advance payment made by the applicant” the words “means a fee paid by the applicant” shall be substituted.

2. In regulation 9 of the said Regulations—

(1) for the words and figures “Hire-Purchase Deposit shall be Rs. 100” the words “Hire-Purchase Fee shall be Rs. 100 and shall in no case be refundable” shall be substituted ;

(2) for the words “Such Deposit shall be non-interest bearing and” the words “Such Fee” shall be substituted ;

(3) for the words “it shall be refunded” the words “the premium amount shall be refunded” shall be substituted ;

(4) the words “the amount of application deposit together with” shall be deleted.

Published in the *Gujarat Government Gazette* Part-IV B, dated
March 5, 1970/Phalgun 14, 1891

FINANCE DEPARTMENT

No GHN 612 (A) MSA 1070/(15)—TH. Sachivalaya, Ahmedabad, 20th February 1970.—Whereas the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to amend the Bombay Sales of Motor Spirit Taxation Rules, 1958, and to dispense with the previous publication of the rules hereby made ;

Now, therefore, in exercise of the powers conferred by section 36 of the Bombay Sales of Motor Spirit Taxation Act, 1958 (Bom. LXVI of 1958), the Government of Gujarat hereby makes the following rules further to amend the Bombay Sales of Motor Spirit Taxation Rules, 1958, namely :

1. *Short title and Commencement.*—(1) These rules may be called the **Bombay Sales of Motor Spirit Taxation (Gujrat Amendment) Rules, 1970.**

(2) They shall come into force on the 21st February 1970.

2. *Amendment of rule 14.*—In the Bombay Sales of Motor Spirit) Taxation Rules, 1958, in rule, 14 in the Table—

(i) for entry 1, the following shall be substituted, namely:—

“1. High Speed Diesel Oil..... Six paise per litre”,

(ii) for entry 3, the following shall be substituted, namely:—

“3. Aviation Motor Spirit Seven paise per litre”.

*Printed at page 342.

No. GH/P/1852/TPC 1170/89-P. Sachivalaya, Ahmedabad-15, 25th February 1970.—Government of Gujarat hereby notifies, as required under Rule 19 of the **Bombay Town Planning Rules, 1955*** framed under section 87 of the Bombay Town Planning Act, 1954, the appointment of the Principal Judge, City Civil Court, Ahmedabad as the President of the Board of Appeal Under Section 35 of the said Act for the Town Planning Scheme, Ahmedabad No. XIV (Shahibaug).

*Published at page 327.

Published in the *Maharashtra Government Gazette* Part IV-A, dated
January 29, 1970

LAW AND JUDICIARY DEPARTMENT

No. PMS. 2869/3804-H(1) Sachivalaya, Bombay-32-BR, 19th January, 1970/Pausa 29, 1891.—In exercise of the powers conferred by subsection (1) of section 6C of the **Essential Commodities Act, 1955** (X of 1955), the Government of Maharashtra hereby appoints the following Judicial Officers mentioned in column 1 of the Schedule appended hereto to be the Judicial Authorities for the purposes of the said section 6C, within the limits of their respective jurisdiction as specified in column 2 thereof.

Schedule

Judicial Authorities	Area
1	2
1. The Principal Judge, City Civil Court Bombay, Sessions Judge, Greater Bombay, the senior-most Judge, City Civil Court, Bombay, and Additional Sessions Judge, Greater Bombay.	Greater Bombay.
2. The District and Sessions Judge of the District, the Assistant Judge, Additional Sessions Judge in the District and the senior-most Assistant Judge and Additional Sessions Judge in the District if there are two or more such officers.	Outside Greater Bombay.

Published in the *Maharashtra Government Gazette* Part-IV-B dated
January 29, 1970/Magha 9, 1891.

REVENUE AND FOREST DEPARTMENT

No. JHR. 1169/120911-L- Sachivalaya, Bombay-32, 6th January, 1970 Pausa 16, Saka 1891.—In exercise of the powers conferred by sub-section (1) and clauses (a) and (b) of sub-section (2) of section 30 of the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965 (Mah. LVI of 1965), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Rules, *1966, the same having been previously published as required by sub-section (1) of the said section 30, namely:—

1. These rules may be called the **Maharashtra Miscellaneous Alienations (in Hyderabad Enclave) Abolition (First Amendment) Rules, 1969** *

2. In each of rules 3, 4 and 5 of the Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Rules, 1966, for the words "two years" wherever they occur the words "five years" shall be substituted.

*Published at page 392 and 393.

LAW AND JUDICIARY DEPARTMENT

No. 970/B. Sachivalaya, Bombay 32, 9th January 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Legislature Members' Salaries and Allowances (Fourth Amendment) Act, 1969*** (Mah. II of 1970), the Government of Maharashtra hereby appoints the 9th day of January 1970 to be the date on which the said Act shall come into force.

*published at page 393.

Published in the *Maharashtra Government Gazette* Ext., Part I-A,
Central Section No. 4-5, dated January 23, 1970/Magha 3, 1891

RURAL DEVELOPMENT DEPARTMENT

Deptt. No. VPA-1169-47670-N.—Sachivalaya, Bombay-32, 23rd January 1970.—In exercise of the powers conferred by clause (xi) of sub-section (2) of section 176 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Bombay Village Panchayats Watch and Ward (Costs) Rules*, 1960, the same having been previously published as required by sub-section (4) of the said section 176, namely:—

1. These rules may be called the **Bombay Village Panchayats Watch and Ward (Costs) (Amendment) Rules, 1970**.

2. In the Bombay Village Panchayats Watch and Ward (Costs) Rules, 1960, after rule 3, the following new rule shall be inserted, namely:—

"3A. *Appeal against levy of fee*—(1) Any person aggrieved by the levy of fee under rule 3 may appeal to the Panchayat Samiti. A further appeal against the order of the Panchayat Samiti may be made to the Standing Committee whose decision shall be final.

(2) The first appeal shall be made within thirty days after the presentation of the bill complained of, and the further appeal within thirty days from the date on which the Panchayat Samiti decides the appeal."

Published in the *Maharashtra Government Gazette*, Part IV-A,
dated March 26, 1970/Chaitra 5, 1892,

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. IST 1670-17841-A.—Sachivalaya Annexe Bombay-32, 20th March 1970.—In exercise of the powers conferred by section 8 of the **Seeds Act, 1966** (54 of 1966) the Government of Maharashtra hereby establishes with effect from 1st April 1970 the Seed Certification Wing, Department of Agriculture, Maharashtra State, Poona to be the certification agency for the whole State.

Published in the *Maharashtra Government Gazette*, Part IV-B,
dated March 26, 1970/Chaitra 5, 1892.

RURAL DEVELOPMENT DEPARTMENT.

No ZPR. 1069-472/6-N.—Sachivalaya, Bombay-32, 5th March 1970.—In exercise of the powers conferred by clause (xx) of sub-section (2) of section 274 read with sub-sections (1) and (2) of section 124 of the **Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961** (Mah. V of 1962) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Zilla Parishads and Panchayat Samitis (Execution and Maintenance of Works and Development Schemes through the agency of Panchayat Samitis and Village Panchayat) Rules*, 1964, the same having been previously published as required by sub-section (3) of the said section 274, namely :—

1. These rules may be called the **Maharashtra Zilla Parishads and Panchayat Samitis (Execution and Maintenance of Works and Development Schemes through the agency of Panchayat Samitis and Village Panchayat) (Amendment) Rules, 1970.**

2. In the Maharashtra Zilla Parishads and Panchayat Samitis (Execution and Maintenance of Works and Development Schemes through the agency of Panchayat Samiti and Village Panchayat) Rules, 1964 (hereinafter referred to as "the principal rules"), for rule 7 the following shall be substituted, namely :—

"7. **Authority to accept contract**—Subject to the provisions of rule 6, no work of development scheme which is entrusted to the Panchayat Samiti for execution by it or which is entrusted to an Ad hoc Committee or to any other agency as provided by sub rule (2A) of rule 3, shall be entrusted to a contractor, except with the previous sanction of the appropriate authority mentioned in sub-section (1) of section 126 :

Provided that, where such work or development scheme is entrusted to a Panchayat for execution through a contractor, the previous sanction of the appropriate authority as mentioned aforesaid shall not be necessary."

3. For rule 20 of the principal rules, the following shall be substituted, namely :—

"20. **Authority to accept contract.**—Subject to the provisions of rule 19, no work or development scheme which the Panchayat Samiti decides to execute itself or which is entrusted by it to an Ad hoc Committee or to any other agency as provided by the proviso to rule 14 shall be entrusted to a contractor except with the previous sanction of the appropriate authority mentioned in sub-section (2) of section 126.

Provided that, where such work or development scheme is entrusted to a Panchayat for execution through a contractor the previous

sanction of the appropriate authority as mentioned aforesaid shall not be necessary.”.

Published in the *Maharashtra Government Gazette*, Part IV-B,
dated March 19, 1970/Phalgun 28, 1892.

HOME DEPARTMENT.

Deptt. No. NER. 1063-III,—Sachivalaya, Bombay-32 BR, 25th February, 1970.—In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), the Government of Maharashtra hereby makes the following Rules the same having been published as required by sub-section (3) of the sub-section 143, namely :—

1. These Rules may be called the **Bombay Neera (Amendment) Rules 1970.**

2. In sub rule (1) of rule 9 of the Bombay Neera Rules, 1951 (hereinafter referred to as “the principal rules”) the following proviso shall be added, namely :—

“Provided that, the marking and numbering on a cocoanut, palmyra or brab tree may be on any side of the trunk of the tree”.

3. In rule 12 of the principal rules for the words “till the day following that on which it is drawn unless” the words “beyond the day on which it is drawn unless it is kept in cold storage under the temperature at or below 4° C or unless” shall be substituted.

4. In rule 13 of the principal rules, for the words “any substance or liquid” the words “any substance or liquid which is injurious to human health or which is likely to cause fermentation in the neera” shall be substituted

5. In Form N-1 appended to the principal Rules, for condition 4, the following shall be substituted, namely :—

“4. No neera shall be kept at the place of manufacture beyond the day on which it is drawn unless it is kept in cold storage under the temperature at or below 4°C or unless it is boiled, and no such boiled neera shall be kept for more than 24 hours from the time it is boiled”.

6. In form N-III appended to the principal rules,—

(i) in condition 2, the words “which was not drawn on the same day or” shall be deleted ;

(ii) in condition 4, after the proviso, the following shall be added, namely :—

“Provided further that, the licensee, may, under a transport pass, remove neera to any other place of sale in this Form is granted.”;

(iii) for condition 6, the following shall be substituted namely :—

“6. No neera shall be sold or served outside the said place of sale which shall be kept clean and no one shall be allowed to remove the neera sold to him outside the said place of sale. No neera shall be sold except between 5 a.m. and 11 p.m. (Standard Time) at any place of sale situated in a municipal area and earlier than one hour before sunrise and after sunset at any other place of sale. No neera which is not of standard quality or which is fermented shall be sold. The unsold balance of neera may be used for manufacture of gur or any other article, which is not an intoxicant before it is fermented. Neera which is fermented shall be destroyed forthwith. No neera shall be kept beyond the day on

which is received at the place of sale, unless it is preserved in good condition in cold storage under the temperature not exceeding 16°C. or unless it is boiled and no such boiled neera shall be kept for more than 24 hours from the time it is boiled."

7. In Form N-IV appended to the principal rules,—

(i) in condition 2, for the proviso the following shall be substituted, namely :—

"Provided that, he may, with the written permission of the Collector or the Superintendent of prohibition and Excise collect neera drawn from trees in different parts or groves at a convenient central place before conveying it to such place. The licensee may, with a like written permission, collect neera drawn by him at a place where arrangements are made by him for freezing it before conveying it to the place of sale. The licensee shall not draw neera from the said trees after sunset and before 2-00 a.m. (Standard Time) and shall not, except with the written permission of the Collector or the Superintendent of Prohibition and Excise, convey neera from the said trees at any time after 8 p.m. (Standard Time)."

(ii) in condition 6, the words "No neera shall be kept till the day following that on which it is drawn" shall be deleted.

(iii) for condition 8, the following shall be substituted namely :—

"8. No neera shall be kept beyond the day on which it is drawn unless it is kept in cold storage under the temperature at or below 4°C or unless it is boiled, and no such boiled neera shall be kept for more than 24 hours from the time it is boiled."

8. In each of the Forms N-I, N-IV, N-I and N-IV appended to

R R S S

the principal rules, in the table, in column 2, the words and letters "Serial No. of trees tapped" shall be deleted.

INDUSTRIES AND LABOUR DEPARTMENT

No. IDC. 1069/17754 IND 1.—Sachivalaya, Bombay-32, 26th February 1970 —In exercise of the powers conferred by sub-section (1) of section 63 of the Maharashtra Industrial Development Act, 1961 (Mah. 111 of 1962) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Industrial Development Rules, 1962, namely :—

1. These Rules may be called the **Maharashtra Industrial Development (Amendment) Rules, 1970.**

2. For rule 28 of the Maharashtra Industrial Development Rules, 1962, the following shall be substituted, namely :—

"28. The powers of the State Government under sections 32, sub-section (2) of section 33 (to the extent of Rs. 10,000 per acre for determination of compensation by mutual agreement), 36 and 38 are hereby delegated to the Collectors, Assistant and Deputy Collectors within their respective jurisdiction and any officer not below the rank of Deputy Collector, specially appointed by the State Government in that behalf."

**URBAN DEVELOPMENT, PUBLIC HEALTH AND
HOUSING DEPARTMENT**

No. BRB. 1169/50650/HRC.—Sachivalaya, Bombay-32, 25th February 1970.—In exercise of the powers conferred by sub-section (2) of section 59, read with sub-section (2) of section 5, of the Bombay Building Repairs and Reconstruction Board Act 1969 (Mah. XLVII of 1969) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of said section 59, namely :—

1. *Short title and commencement*—(1) These rules be called the **Bombay Building Repairs and Reconstruction Board (Allowances to non-official Members) Rules, 1970**

(2) They shall come into force on the 25th day of February 1970.

2. *Definitions*.—In these rules, unless the context otherwise requires—

(a) "Act" means the Bombay Building Repairs and Reconstruction Board Act, 1969 ;

(b) "Meeting" includes adjourned meeting ;

(c) "Section" means a section of the Act ;

(d) words and expressions used in the Act and not defined in these rules shall have the meaning assigned to them in the Act.

3. *Meeting allowance*.—Every non official Member shall for the purpose of meeting the personal expenditure incurred in attending any meeting of the Board, the Executive Committee or any other Committee appointed by the Board, receive a meeting allowance at the rate of Rs. 25 per meeting subject to a maximum allowance of Rs. 150 for such purposes in any one month.

4. *Conveyance or travelling allowance*—Every non-official Member who is required by the Board to use any conveyance or to travel for the purpose of performing any other functions as such member, shall, unless the Board itself provides the conveyance, be entitled to such conveyance charges or travelling allowance as may be admissible to a first Grade Officer of the State Government.

N BRB. 1169/51403 HRC.—Sachivalaya, Bombay-32, 25th February 1970.—In exercise of the powers conferred by sub-section (2) of section 59, read with sub-section (8) of section 39 and sub-sections (1) and (4) of section 42 of the Bombay Building Repairs and Reconstruction Board Act, 1969 (Mah. XLVII of 1969) and of all other powers enabling it in this behalf the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 59, namely:—

1. *Short title and commencement*.—(1) These rules may be called the **Bombay Building Repairs and Reconstruction Board (Notices) Rules, 1970**.

(2) They shall come into force on the 25th day of February 1970.

2. *Definitions*.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Bombay Building Repairs and Reconstruction Board Act, 1969 ;

(b) "section" means a section of the Act ;

(c) words and expressions used in the Act and not defined in these rules shall have the meaning assigned to them in the Act

3 *Manner of giving notice under section 39 (8)*.—(1) When any person

victed under sub-section (7) of section 39, the seven clear days notice for removing all his property from the building shall, as far as possible, be given personally, by delivering or tendering it to him or to some adult member of family or to his servant or agent, at the time the premises are vacated or eviction from the building is enforced.

(2) If for any reason, it has not become possible to give such notice at such time, the notice shall be sent by registered post to such person at any place where he is known to be residing or carrying on business or working for gain.

(3) If it has not become possible to serve the notice in the manner laid down in sub-rule (2), a copy of the notice shall be affixed to some conspicuous part of the building or the site, one copy shall be affixed on the notice-board of the Board and substance thereof shall be published at least in one newspaper circulating within Greater Bombay.

4. *Other manner of serving notice under section 42(1).*—The other manner of serving any notice under sub-section (1) of section 42, shall be by serving personally, by delivering or tendering it to the person to whom it is addressed or to some adult member of his family, or to his servant or agent who may be found on the premises.

5. *Manner of publication of notice under section 42(1).*—(1) Any notice given under sub-section (4) of section 42, shall be published in the following manner, namely :—

(a) by affixing a copy of it on the outer door or some other conspicuous part of the premises of which possession is taken ; and
(b) by affixing a copy of it on the notice-board of the Board.

(2) If the notice is not served personally or if sent by registered post has not been acknowledged, then substance of the notice shall also be published in at least one newspaper circulating within Greater Bombay.

FINANCE DEPARTMENT

No. STA. 1069/992-XIII.—Sachivalaya, Bombay-32, dated 5th March, 1970—In exercise of the powers conferred by entry 11 in Schedule A to the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), the Government of Maharashtra hereby specifies the following additional implements for the purpose of the said entry 11, namely :—

Implements

1. Beater and Carding machine (both power operated).
2. Drum attached drawing frame (hand operated or power operated).
3. Drawing frame (hand operated or power operated).
4. Flyer Frame or Ring system roving frame (hand operated).
5. New Model Charkha, which may be 2-spindle, 4-spindle or 6-spindle/3 Roller Apron Drafting system with top-arm weighing attachment (hand operated).

BY THE HIGH COURT OF JUDICATURE AT BOMBAY APPELLATE SIDE

No. P. 0804/69.—The Honourable the Chief Justice and Judges with the previous approval of the Governor under Article 227(3) of the Constitution of India, and section 554 of the Code of Criminal Procedure are pleased to direct that the following Sub-paragraph be inserted as sub-paragraph (3) after sub-paragraph (2) of paragraph 3 of Chapter XVII of the Criminal Manual, 1960, appearing at page 198 :

(3) The Court may, on an application, by the party or Advocate,

return the certified copy of the judgment filed along with a memo of appeal, or application for revision, or application for enforcement of an order for payment of maintenance under Section 483 of the Criminal Procedure Code, after the final disposal of the appeal or application and after the period within which a further revision application can be made has expired, or after such revision application, if made, has been disposed of

High Court, Appellate Side,
Bombay, 11th March, 1970.

A. P. YAJNIK,
Additional Registrar.

Published in the *Maharashtra Government Gazette*, Ext., Part I-A, Central Section, No. 16, dated March 5, 1970/Phalguna 14, 1891.

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING
DEPARTMENT

No. UMR. 1066/42511-Unification IV.—Sachivalaya, Bombay-32 : (BR), 5th March, 1970.—In exercise of the powers conferred by sub-section (2) of section 321 read with sub section (2) of section 92 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), and of all other powers enabling him in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Municipalities (Transfer of Immovable Property) Rules, 1967, the same having been previously published as required by sub-section (3) of the said section 321, namely :—

RULES

1. These rules may be called 'the **Maharashtra Municipalities (Transfer of Immovable Property) (Amendment) Rules, 1970.**

2. In the Maharashtra Municipalities (Transfer of Immovable Property) Rules, 1967, in rule 5, for the first two provisos, the following proviso shall be substituted, namely :—

"Provided that the Council may for reasons to be recorded in writing and with the permission of the Director in the case of a lease under sub-section (3) of section 92 and in any other case, with the sanction of the State Government transfer any property to any bidder other than the highest bidder at an auction or without holding a public auction".

Published in the *Gujarat Government Gazette*, Part IV-B, dated March 19, 1970/Phalguna 28, 1891

PUBLIC WORKS DEPARTMENT

Sachivalaya, Ahmedabad-15, 5th March, 1970

No. GHJ/244/BRA. 1860/M 8620.—In exercise of the powers conferred by sub-section (2) of section 6 of the **Bombay Rents, Hotel and Lodging House Rates Control Act 1947** (Bom. LVII of 1947), the Government of Gujarat hereby specifies that in the area of Amalsad village of Gandevi taluka of Bulsar District, the provisions of para II of said Act shall, with effect from the date of publication of notification in the Official Gazette, apply to premises let for residence purposes.

REVENUE DEPARTMENT

No. GHM-601/M/STP/1063/43985-H —Sachivalaya, Ahmedabad-15, 18th February 1970.—In exercise of the powers conferred by section 75 of the Indian Stamp Act, 1899 (II of 1899), and section 70 of the Bombay Stamp Act, 1958 (Bom. LX of 1958), the Government of Gujarat hereby makes the following amendments further to amend Bombay Stamp Rules, 1939, namely :—

1. These rules may be called the **Bombay Stamp (Gujarat Amendment) Rules, 1969.**

In the said Rules, after the rule 26, the following rules shall be inserted, namely :—

"27. *Documents specified in entry 91 of List I in Seventh Schedule to the constitution of India not to be destroyed for two years.*—Every person entering into transaction of bill of exchange, cheque, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of share debentures, proxies and receipts shall preserve any such document or its counterfoil or carbon copy recording such transaction for a period of two years from the date of such transaction. Any person committing a breach of this rule shall be punishable with fine not exceeding five hundred rupees.

28. *Power to make inquiry or take evidence in certain cases.*—In the case of an instrument relating to immoveable property chargeable with an advalorem duty on the value of the property and not on the value as set forth the Collector and every other person, having by law or consent of the parties, authority to receive evidence may, if he considers that the valuation of the immoveable property cannot be arrived at without having recourse to inquiry or extraneous evidence, make such an enquiry and take such evidence, as may be necessary, after giving due notice to the party concerned to be heard and to produce any evidence on its behalf.

29. *Procedure of the verification.*—If as a result of inquiry made on evidence taken under rule 28 the value expressed in the instrument appears to be fully set forth, the instrument shall be treated as properly valued. If on the other hand the instrument appears to be under valued and not duly stamped necessary action shall be taken in respect thereof according to the relevant provision of the Indian Stamp Act, 1889, or as the case may be the Bombay Stamp Act, 1958.

30. *Amount of fine to be considered while Imposing penalty.*—When an instrument impounded by a magistrate is received by the Collector for action under section 39 of the Bombay Stamp Act, 1958, he may take into consideration while assessing penalty thereon, the fine if any, imposed by the Magistrate as a result of prosecution launched against him."

No. GHM-602/M/STP/1063/43985-H.—Sachivalaya, Ahmedabad-15, 18th February 1970.—In exercise of the powers conferred by section 75 of the Indian Stamp Act, 1889 (II of 189), and section 70 of the Bombay Stamp Act, 1958 (Bom. LX of 1958) the Government of Gujarat hereby makes the following amendments further to amend Saurashtra Stamp Rules, 1949 namely:—

1. These rules may be called the **Saurashtra Stamp (Gujarat Amendment) Rules 1969.**

In the said Rules, after the rule 25, the following rules shall be inserted, namely:—

"26. *Documents specified in entry 91 of List I in Seventh Schedule to the Constitution of India not to be destroyed for two years.*—Every person entering into transaction of bill of exchange, cheque, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of share debentures, proxies and receipts shall preserve any such document or its counterfoil or carbon copy recording such transaction for a period of two years from the date of such transaction. Any person committing a breach of this rule shall be punishable with fine not exceeding five hundred rupees.

27. *Power to make inquiry or take evidence in certain cases.*—In the case of an instrument relating to immovable property chargeable with

an *advolorem* duty on the value of the property and not on the value as set forth; the Collector and every other person, having by law or consent of the parties, authority to receive evidence may if he considers that the valuation of the immoveable property can not be arrived at without having recourse to inquiry or extraneous evidence make such an inquiry and take such evidence, as may be necessary, after giving due notice to the party concerned to be heard and to produce any evidence on its behalf.

28. *Procedure of the verification* —If as a result of inquiry made on evidence taken under rule 27 the value expressed in the instrument appear to be fully set forth, the instrument shall be treated as properly valued. If on the other hand the instrument appears to be under valued and not duly stamped, necessary action shall be taken in respect thereof according to the relevant provisions of the Indian Stamp Act, 1899 or, as the case may be the Bombay Stamp Act 1958.

29. *Amount of fine to be considered while imposing penalty* —When an instrument impounded by a Magistrate is received by the Collector for action under section 39 of the Bombay Stamp Act, 1958, he may take into consideration, while assessing penalty thereon, the fine if any, imposed by the Magistrate as a result of prosecution launched against him.

No GHM-603/M/STP/1063/43-85-H. Sachivalaya, Ahmedabad-15 18th February 1970.—In exercise of the powers conferred by section 75 of the Indian Stamp Act, 1899 (II of 1899), and section 70 of the Bombay Stamp Act, 1958 (Bom. LX of 1958), the Government of Gujarat hereby makes the following amendments further to amend Indian Stamp Rules, 1925 as in force in the Kutch area of the state namely :—

1. These rules may be called the **Indian Stamp (Gujarat Amendment) Rules, 1970**.

In the said Rules, after the rule 23, the following rules shall be inserted, namely:—

24. *Documents specified in entry 91 of List I in Seventh Schedule to the Constitution of India not to be destroyed for two years* —Every person entering into transaction of bill of exchange, cheque, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of share, debentures, proxies and receipts shall preserve any such document or its counterfoil or carbon copy recording such transaction for a period of two years from the date of such transaction. Any person committing a breach of this rule shall be punishable with fine not exceeding five hundred rupees

25. *Power to make inquiry or take evidence in certain cases.*—In the case of an instrument relating to immoveable property chargeable with an *advolorem* duty on the value of the property and not on the value as set forth, the Collector and every other person, having by law or consent of the parties, authority to receive evidence, may, if he considers that the valuation of the immoveable property can not be arrived at without having recourse to inquiry or extraneous evidence, make such an inquiry and take such evidence, as may be necessary, after giving due notice to the party concerned to be heard and to produce any evidence on its behalf

26. *Procedure of the verification* —If as a result of inquiry made on evidence taken under rule 25 the value expressed in the instrument appears to be fully set forth the instrument shall be treated as properly valued. If on the other hand the instrument appears to be under valued and not duly stamped, necessary action shall be taken in respect

thereof according to the relevant provisions of the Indian Stamp Act, 1895, or as the case may be the Bombay Stamp Act 1958.

27. *Amount of fine to be considered while imposing penalty.*—When an instrument impounded by a magistrate is received by the Collector for action under section 39 of the Bombay Stamp Act, 1958, he may take into consideration, while assessing penalty thereon, the fine if any, imposed by the Magistrate as a result of prosecution launched against him.

Published in the *Maharashtra Government Gazette*, Part IA, Central Section, dated March 26, 1970/Chaitra 5, 1892 page 25.

URBAN DEVELOPMENT, PUBLIC HEALTH AND
HOUSING DEPARTMENT

No. MUN. 1068-Unionation IV.—Sachivalaya, Bombay-32 BR. 13th March 1970.—In exercise of the powers conferred by sub-section (2) of section 321, read with the proviso to sub-section (1) of section 105 of the Maharashtra Municipalities Act, 1965 (Mah. A.L. of 1965), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Municipalities (Tax on Performances and Shows) Rules, 1967, the same having been previously published as required by sub-section (3) of section 321 of the said Act, namely;—

RULES

1. These rules may be called the **Maharashtra Municipalities (Tax on Performances and Shows) (Amendment) Rules, 1970.**

2. In the Maharashtra Municipalities (Tax on Performances and Shows) Rules, 1967, for rule 7, the following shall be substituted, namely:—

“7. *Exemption from and refund of the tax.*—(1) The tax shall not be leviable in respect of any show,—

(a) which has been exempted from the payment of entertainments duty under sub-section (1) of section 6 of the Bombay Entertainments Act, 1923, or

(b) the entertainments duty in respect of which has been refunded under sub-section (2) of section 6 of the said Act

(2) Any tax already paid in respect of such show shall be refunded.

(3) No exemption or refund of tax shall be granted by the Council, unless the proprietor produces written evidence of exemption or refund in respect of entertainments duty.”

Published in the *Gujarat Government Gazette*, Part IV-C, dated March 19, 1970/Phalgun 28, 1891. Page 360

OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION.

No. CH/MIK/11/ADM-5/2284/86.—In exercise of the powers conferred by Section 65 of the Indian Registration Act, 1908 (XVI of 1908) in its application to the State of Gujarat and with the approval of the Government of Gujarat, the Inspector General of Registration of the State of Gujarat hereby amends the Bombay Registration Rules, 1946, as follows, namely:—

In the said rules, in Schedule A, under the heading “Rajkot District” for the entries relating to Morvi Sub district the following entries shall be substituted in the respective columns namely:—

Morvi	Malia-Miana	On every Monday throughout the year.
		U. M. BHATT,
		Inspector General of Registration,
		Gujarat State, Ahmedabad.

Ahmedabad, 10th March 1970.

Published in the *Gujarat Government Gazette* Part IV-A, dated
October 23, 1969/Kartika 1, 1891, Page 999

CIVIL SUPPLIES DEPARTMENT.

No. GTH/54(A)/PDY/PRO/1469/632.—Sachivalaya, Ahmedabad-15,
22nd October, 1969.—In pursuance of Clause 2(m) of the **Gujarat
Paddy (Procurement) Order, 1969**, of the Government of Gujarat here-
by authorises the Gujarat State Co-operative Marketing Society Limited
or his agents as Purchase Officer to perform the functions of the pur-
chase officer for the purpose of the said clause.

Published in the *Gujarat Government Gazette*, Part IV-B,

No. 42, dated October 23, 1969/Kartika 1, 1891.

EDUCATION AND LABOUR DEPARTMENT.

No. GH-SH-859-AHR-1068/76286-(69)-M.—Sachivalaya, Ahmeda-
bad-15, 9th October, 1969.—In exercise of the powers conferred by
section 39 of the Gujarat Ancient Monuments and Archaeological Sites
and Remains Act, 1965 (Guj. 25 of 1965) the Government of Gujarat
hereby makes the following rules further to amend the Gujarat
Ancient Monuments and Archaeological Sites and Remains Rules, 1967,
namely :—

1. These rules may be called the **Gujarat Ancient Monuments
and Archaeological Sites and Remains (Amendment) Rules, 1969**.

2. In the Gujarat Ancient Monuments and Archaeological State
and Remains Rules, 1967, in rules 31, in sub rule (b) for the word "four-
teen" the word "fifteen" shall be substituted.

Printed at pages 1668 1669.

LEGAL DEPARTMENT.

No. GHK-90/CJE-1065-4233-D —Sachivalaya, Ahmedabad, 7th
October, 1969.—In exercise of the powers conferred by section 9 of the
the **Bombay Civil Jails Act, 1874** (Bom II of 1874), the Government of
Gujarat hereby declares the establishment under said section 9 of the
Civil Jail at Rajkot which is the seat of the District Court for the Dis-
trict of Rajkot

Printed at page 1708.

Published in the *Gujarat Government Gazette*, Part I-A, Central
Section, Ext. No. 38, dated March 13, 1970/Phalguna 22, 1891.

PANCHAYATS AND HEALTH DEPARTMENT.

No. KP/1864(A)/PRR. 12(7)70-JH —Sachivalaya, Ahmedabad-15,
13th March 1970.—In exercise of the powers conferred by section 323
of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government
of Gujarat hereby makes the following rules further to amend the
Gujarat Gram and Nagar Panchayats (Procedure) Rules, 1963,
namely :—

1. These rules may be called the **Gujarat Gram and Nagar Pan-
chayats (Procedure) (Amendment) Rules, 1970**.

2. In the Gujarat Gram and Nagar Panchayats (Procedure) Rules,
1963, rule 57 shall be deleted.

Published in the *Maharashtra Government Gazette*, Part IV -B, No. 28,
dated February 20, 1970/Phalguna 1, 1891.

REVENUE AND FORESTS DEPARTMENT.

Deptt. No. ICH. 1064/210060-M-(Spl)—Sachivalaya, Bombay-32
20th, February, 1970.—Whereas, it is brought to the notice of the State

Government that in carrying into effect the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961 (Mah. XXVII of 1961) (hereinafter in this Order referred to as the 'said Act'), difficulties have arisen in respect of certain lands, which by Merger Agreements with the Rulers of the former Indian States were allotted as private property of those Rulers on the undertaking that the Rulers would pay pensions of certain servants of the former Indian States, and for the like purposes ;

And whereas, taking over such lands by the State Government as surplus land under the said Act would provide an excuse to the said Rulers for not carrying out that undertaking ; or in certain cases, make it impracticable or impossible for the Ruler to carry out such undertaking.

And whereas, the Government of Maharashtra considers also that as long as the purpose of the undertaking exists, it would not be fair to take over those lands as surplus lands ;

And whereas, in consequence of the above a difficulty has arisen for the proper ascertainment of the ceiling area, and other purposes of the said Act.

Now, therefore, in exercise of the powers conferred by section 49 of the said Act, the Government of Maharashtra hereby makes the following Order, namely :—

Order

1. This Order may be called the **Maharashtra Agricultural Lands (Ceiling on Holdings) Removal of Difficulties Order, 1970**

2. Where during any inquiry under sections 17 to 21 (both inclusive) of the said Act, in respect of land held by any Ruler of a former Indian State it is found that under the agreement or contract entered into with the Government of India, the Ruler is holding any land as his private property, for discharging a liability which would have, but for the agreement entered into with the Government of India, devolved upon the successor State Government, then such land shall, subject to the provisions hereinafter appearing, be excluded for ascertaining the surplus land from the holding of such Ruler.

3. The land excluded under clause 2 of this Order shall be deemed to be excluded land, and the Ruler shall be entitled to retain possession of such excluded land, notwithstanding any thing contained in Chapters II to IV of the said Act. The restriction imposed on transfer of land under section 8 of that Act, shall continue to apply to such land.

4. As soon as the liability referred to in clause 2 is discharged or ceases to exist in respect of any such 'excluded land', such land shall, from the date of the discharge or cesser of the liability cease to be excluded land ; and thereupon, the provisions of sub-section (2) of section 47 of the said Act, shall apply as they apply in relation to the land which has ceased to be exempted land.

5. When in any proceeding or inquiry under the said Act, a question arises as to—

(i) whether any land is excluded land within the meaning of this Order; or

(ii) whether any land has ceased to be excluded land under paragraph 4,—

such question shall be referred to the State Government for decision ; and the decision of the State Government shall be final.

6. This Order shall be deemed to have come into force on the 26th day of January 1962.

Published in the *Maharashtra Government Gazette*, Part IV B,
No. 20, dated February 12, 1970/Magha 23, 1891.

FINANCE DEPARTMENT.

No. STA. 1067/3965 XIII—Sachivalaya, Bombay, 1st February 1970.—In exercise of the powers conferred by section 41 of the *Bombay Sales Tax Act, 1959* (Bom. LI of 1959), the Government of Maharashtra hereby further amends with effect from the 1st day of February 1970, Government Notification, Finance Department, No. STA. 1059 (in)-GI, dated the 28th December 1959, as follows, namely :—

In the Schedule appended to the said notification—

(a) in entry 1 in column 2—

(i) for the words "of goods" the words "of any of the goods specified in the Appendix hereto" shall be substituted,

(ii) the following shall be added namely :—

'APPENDIX

- (1) Food-stuffs,
- (2) Spirits and wines,
- (3) Toilet requisites,
- (4) Medicines,
- (5) Household requisites,
- (6) Stationery,
- (7) Cigarettes,
- (8) Haberdashery,
- (9) Sports requisites",

(iii) in column 5, after the figures, letters and words "28th December 1959" the words letters and figures "and notification No. STA. 1067/3965 XIII, dated the 1st February 1970" shall be added.

(b) in entries 2, 3, and 4, in column 2, for the words "of goods" the words and figures "of any of the goods specified in the Appendix in column 2, entry 1 in the Schedule" shall be substituted ;

(c) in entry 5, after the words "Sale" the words and figures "of any of the goods specified in the Appendix in column 2 of entry 1 in the Schedule" shall be inserted.

Published in the *Gujarat Government Gazette* Ext., Part-IV-A,
No. 18, dated February 26, 1970/Phalgun 7, 1891

PUBLIC WORKS DEPARTMENT

No. G/J/92(A) IPA : 1864/1452-M.—Sachivalaya, Ahmedabad-15, 26th February 1970.—In exercise of the powers conferred by clause (kk) of sub-section (1) of section 6 of the *Indian Ports Act, 1908* (XV of 1908), in its application to the State of Gujarat, the Government of Gujarat hereby makes the following rules, namely :—

1. *Short title and Commencement*—(1) These rules may be called the *Gujarat Ports (Licensing of Persons engaged in Loading or Unloading Vessels) Rules, 1969*.

(2) They shall come into force on 1st March 1970.

2. *Definitions*.—In these rules, unless the context otherwise requires—

(a) "licensing officer" means the Conservator of the Port or any other officer authorised by the State Government for the purpose of issuing licence under these rules ;

(b) "the Act" means the *Indian Ports Act, 1908* (in its application to the State of Gujarat) ;

(c) "Form" means a Form appended to these rules ;

(d) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. *Licensing of persons engaged in loading or unloading steamers.*—

(1) No person shall engage himself in the work or business of loading or unloading steamers except under and in accordance with the terms and conditions of a licence issued by the licensing officer for such purpose :

Provided that the provisions of this sub-rule shall not be deemed to have been contravened if a person having applied for a licence within thirty days of the commencement of these rules, carries on such work or business without a licence, till the licence is issued to him or the order refusing to grant licence is communicated to him.

(2) Any person desiring to obtain a licence for the purpose referred to in sub-rule (1) shall make an application to the licensing officer of the port where he intends to carry on the work or business of loading or unloading steamers.

(3) Every application for a licence under sub rule (2) shall be made in writing in Form A and shall inter alia contain the particulars showing :—

- (i) the name and address of the applicant ;
- (ii) the profession of the applicant ;
- (iii) the name of the port for which the licence is required ;
- (iv) whether the applicant is conversant with the work of loading and unloading steamers and whether he has worked as stevedore at any port and if so when and for what period ;
- (v) the details of the licence, if the applicant holds or has held a licence for such work ;
- (vi) the number of vessels, including steamers, if any, loaded or unloaded, and the total cargo or particular kind of cargo or other things loaded or unloaded, during each of the three years immediately preceding the date of the application ;
- (vii) the number and description of gears, equipments and other appliances required for the satisfactory performance of the loading and unloading work in the possession and which are under the control of the applicant ;
- (viii) the number of experienced foremen and tindels that the applicant has on his permanent staff.

(4) If the applicant has worked as a stevedore the application shall be accompanied by documentary evidence indicating that the applicant has satisfactory knowledge of the work of loading and unloading steamers and also by certificates in original by at least three steamship companies showing their willingness to entrust the work, loading or unloading their steamers to the applicant.

4. *Grant or refusal of licence.*—(1) On receipt of an application under rule, 3 the licensing officer may, after giving to the applicant an opportunity of stating his case and after making such inquiry as he deems fit, grant the licence applied for or refuse to grant it :

Provided that no licence shall be granted unless the applicant—

- (a) Proves to the satisfaction of the licensing officer—
 - (i) That he has in this possession or under his control all the gears, equipment and appliances required for the satisfactory performance of the work loading and unloading steamers, and produces appropriate test certificates in respect of such gears equipment and appliances,
 - (ii) that he has in his permanent employment experienced for man and tindels required for such purpose ;
 - (b) undertakes to maintain such minimum of the said gears, equipments and appliances as may from time to time be determined by the licensing officer in satisfactory condition during the period the licence remains in force ;

(c) undertakes to employ proper and sufficient number of workers for slinging unslinging, sweeping clearing, seqing, and such other work ;

(d) produces proof of his financial ability, supported by a Bank guarantee to meet with the obligations of the workers employed by him on account of wages and compensation, if any, payable under the Workmen's Compensation Act, 1-23.

(2) The licence to be granted under sub rule (1) shall be in Form B.

(3) Notwithstanding anything contained in this Rule, the Licensing Officer may restrict the number of licences for all or any particular commodity to be granted at a port in consultation with the Intermediate Authority appointed under sub-section (4) of section 7 of the Act, who in considering the adequacy of Licences will be guided by what is necessary or desirable in public interest.

5. *Period of licence and fee chargeable.*—(1) Every licence granted under these rules shall be valid for a period ending on the 31st December of the year in which it is issued and may be renewed for a period of one year at a time.

(2) An application for the renewal of a licence shall be made in the same manner as an application for a licence to the licensing officer before the 30th November of the year in which is granted, unless it is granted on or after that date. A licensee as such should have handled not less than 10000 tonnes of cargo and worked three steamers in a year in order to qualify himself for renewal of his licence.

(3) The holder of a licence may obtain from the licensing officer a duplicate of the licence granted to him but which is lost, destroyed or defaced.

(4) The fees specified below shall be chargeable in respect of each licence, namely :—

For the grant of licence Rs. 40.

For renewal of licence Rs. 20.

For issues of a duplicate licence Rs. 10.

6. *Licence not transferable*—A licence granted under these rules shall not be transferable and shall be valid only for the port for which it has been granted

7. *Suspension or cancellation of licence*—If the holder of a licence or his agent or servant or any other person acting on his behalf contravenes any of the terms of conditions of the licence or if, in the opinion of the licensing officer, the holder of the licence is not competent to perform, or is otherwise guilty of any misconduct or unfair or irregular practice in the performance of, his duties as a licensee, the licensing officer may, after giving the licensee an opportunity to render any explanation, by an order in writing, cancel the licence or suspend it for such period as he deems fit.

8. *Appeal*—Any person aggrieved by any order of the licensing officer refusing to grant or renew a licence or cancelling or suspending a licence under the provisions of these rules may appeal to the Director of Ports, Gujarat State within thirty days of the date of the receipt of such order by him.

9. *Inspection of gears etc. by licensing officer*—The licensing officer may inspect, or require the licensee to produce for inspection, any of the gears, equipments or appliances used by the licensee for the purpose of loading or unloading steamers in order to satisfy himself they are fit and sufficient for such purpose.

FORM A
Form of Application for Obtaining stevedoring licence at Gujarat Minor Ports.

To
 The Licensing Officer,
 Port.

Sir,

I/We apply for grant of a license for Loading or Unloading steamers at the Port of The Requisite particulars for the purpose are given below. I/We undertake to pay the requisite licence fee on demand, Original letters from steamship companies who are willing to entrust the work to me/us and no objection certificate from the Police and Customs Departments are enclosed herewith. Original letter from the Bank Ltd., showing the financial ability is also enclosed.

1. Name and full Address.
2. Profession.
3. Experience of loading and unloading of vessels (State whether such work has been done at any other port).
4. Details of the existing licence held for such work.
5. Details of vessels tonnage and cargo handled during the preceding three years.
6. Details of gears, equipments and other appliances in possession of the applicant.
7. Number of experienced Foremen and Tindels employed on permanent staff
8. Name of the Steamship Companies who are willing to entrust the work.

I/We also undertake to observe the Rules and conditions of the licence.

Yours faithfully

FORM B
Government of Gujarat
 Office of the -----
 PORT OF -----

Licence to load or unload steamers at ----- Port (To be produced for inspection by the Port Officer or any Officer of the Port Department whenever demanded).

No. ----- Port. Dated ----- 19

Period of validity : From -----
 upto and inclusive of -----
 Shri -----

Messrs -----

is/are hereby licensed to load or unload cargo from steamers in the port of ----- subject to the Gujarat Ports (Licensing of persons engaged in Loading or Unloading vessels) Rules, 1967, issued by the Government under Public Works Department Notification No. -----

----- Dated ----- 19

Licensing Officer.
 ----- Port.

Published in the *Gujarat Government Gazette*, Part IV-A, dated November 13, 1969/Kartika 22, 1891, Pages 1037-1036.

CIVIL SUPPLIES DEPARTMENT.

No. GTH/57(A)/ECA/4069'i/A.—Sachivalaya, Ahmedabad-15, 30th October, 1969.—Whereas the Government of Gujarat is of opinion that it is necessary and expedient so to do for maintaining supplies of Light Diesel Oil and for securing its equitable distribution and availability at fair prices ;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India, Ministry of Commerce, No. 26 (ii) Com. (Gen)/66, dated the 18th June 1966, the Government of Gujarat hereby makes the following Order, namely :—

1. *Short title, Extent and Commencement.*—(1) This Order may be called the **Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969.**

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on the 1st November, 1969.

2. *Definitions.*—In this Order, unless the context otherwise requires—

(1) “authorisation” means an authorisation in Form A or B issued under this Order :

(2) “competent authority” means the Director of Civil Supplies, the Director of Food or such other Officer as the State Government may, by general or special Order appoint to perform the functions of a competent authority under the provisions of this Order, whether generally or in any area of the State ;

(3) “dealer” means a person carrying on the business of selling Light Diesel Oil whether or not in conjunction with any other business and whether on his own account or in partnership with any other person and includes—

(i) his representative or agent, and

(ii) an oil company making whole sale supply from its storage or selling point ;

(4) “Form” means a form set forth in the Schedule appended to this Order ;

(5) “month” means a month reckoned according to the British calendar ;

(6) “retailer” means a dealer who holds a retailer’s authorisation issued under this Order ;

(7) “sale” in relation to light diesel oil includes supply or distribution of light diesel oil and the words “sell” with all its grammatical variations and cognate expressions, shall be constructed accordingly ;

(8) “wholesaler” means an oil company dealing in light diesel oil, an agent or distributor appointed by such company for selling light diesel oil or any other dealer who holds a wholesaler’s authorisation issued under this Order ;

(9) “year” means a year reckoned according to the British calendar.

• (3) *Prohibition of sale of light diesel oil by person other than wholesaler or retailer.*—No person shall sell or offer to sell light diesel oil unless he is a wholesaler or a retailer.

4. *Wholesaler to sell light diesel oil only to retailer.*—No wholesaler shall sell or offer to sell light diesel oil to a person other than a retailer and except under and in accordance with the conditions of an authorisation held by him under this Order :

Provided that an oil company making wholesale supply may sell light diesel oil to its agent or distributor and such agent or distributor may sell light diesel oil to a wholesaler who is not an agent or distributor of an oil company :

Provided further that a person who was a wholesaler within the meaning of the term as defined in this Order immediately before the date of the commencement of this Order, shall not be deemed to have contravened this clause until the expiry of two months from such date, if he carries on business as a wholesaler without having obtained an authorisation but has, before the expiry of the said period applied for obtaining such authorisation.

5. *Sale of light diesel oil by retailer.*—(1) No retailer shall sell light diesel oil except—

(a) to a person who is not a dealer, and
(b) under and in accordance with the conditions of an authorisation held by him under this Order.

(2) No retailer shall sell to any person at any one time Light Diesel Oil in excess of the limit fixed—

(i) in the case of the city of Ahmedabad, by the Food Controller, Ahmedabad, and

(ii) in the case of any other area, by the Collector of the District concerned :

Provided that where no such limit is fixed, the limit shall be one barrel of 200 litres.

6. *Prohibition of refusal to sell by wholesaler.*—No retailer shall, without sufficient cause, refuse to sell to any person light diesel oil equivalent to his demand, provided such demand is within the limits specified under sub-clause (2) of clause 5

7. *Prohibition of refusal to sell by wholesaler.*—No wholesaler shall refuse to sell light diesel oil without sufficient cause.

Explanation.—For the purpose of this clause and clause 6 the possibility or expectation of obtaining a higher price for light diesel oil at a later date shall not be deemed to be a sufficient cause.

8. *Issue of authorisation.*—(1) An application shall be made to the competent authority for an authorisation—

(a) as a wholesaler in Form 'C' accompanied by a fee of ten rupees and

(b) as a retailer in Form 'D' accompanied by a fee of five rupees.

(2) The competent authority may reject any application for an authorisation under this Order.

(3) An authorisation issued under this clause shall be valid from the date of its issue upto the end of the year in which it is issued unless it is cancelled earlier under this Order :

Provided that an authorisation issued after the 15th October of a year shall be valid upto the end of the 31st December of the next succeeding year.

(4) Every authorisation granted under this Order may be renewed for a period of one year or, as the case may be, three years at a time if an application for the renewal thereof for a period of one year or, as the case may be, three years, is made in the Form, C or as the case may be, D, within a period of thirty days before the expiry of the period of its validity.

(5) Where the holder of an authorisation has made an application for the renewal of his authorisation on or before the date prescribed

therefore under sub clause (4), then for a period of two months from the date of the expiry of the period of the validity of the authorisation or until the authorisation is renewed or its renewal is refused, whichever event occurs earlier, the holder of the authorisation may continue to carry on business as a dealer, as if the period of the authorisation held by him had been extended upto the expiry of the said period of two months, or as the case may be, upto the date of the renewal or refusal of renewal of the authorisation.

(6) (a) Every application for renewal of wholesaler's authorisation shall be accompanied by a fee of—

(i) twelve rupees where such application is for a period of three years and

(ii) four rupees where such application is for a period of one year.

(b) Every application for renewal of retailer's authorisation shall be accompanied by a fee of—

(i) six rupees where such application is for a period of three years and

(ii) two rupees where such application is for a period of one year.

(c) The provisions of this clause shall apply *mutatis mutandis* to the application for renewal made under this sub clause.

9. *Deposit of security*.—(1) Every dealer applying for an authorisation shall, before an authorisation is issued to him, deposit with the competent authority five hundred rupees, if he is a wholesaler and one hundred rupees, if he is a retailer, in cash or in the form of 12 years' National Defence Certificates, 10 years Defence Deposit Certificates, 10 years National Savings Certificates, Government scrips of loans issued by the Government of India or any State Government or scrips of loans issued by any local authority, by way of security for the due performance of the conditions subject to which the authorisation is granted to him :

Provided that where any dealer has deposited any amount by way of security under the provisions of clause 6 of the Gujarat Foodgrains Dealers' Licensing Order, 1964 or of clause 6A of the Gujarat Groundnut Dealers Licensing Order, 1966, or of clause 6B of the Gujarat Sugar and Khandasari Dealers Licensing Order, 1963 or of clause 8A of the Gujarat Kerosene (Distribution and Sale) Control Order, 1966 or of clause 6 of the Gujarat Hydrogenated Vegetable Oils Dealers Licensing Order, 1969 and such amount has not been forfeited to the Government under any of these Orders such amount of deposit shall, for the purposes of sub clauses (1) and (3) of clause 14, be deemed to be the amount of security deposited also under this order :

Provided further that—

(i) where the amount of security deposited by the dealer under any of the aforesaid Orders is equal to or more than the amount required to be deposited under this clause, he shall not be required to deposit any additional amount under this clause ; and

(ii) where the amount of security deposited by the dealer under any of the aforesaid orders is less than the amount of security required to be deposited under this clause, he shall be required to deposit the amount of security by which the amount of security deposited is less than the amount of security required to be deposited under this clause.

10. *Time and manner of sending monthly returns*.—A person who holds an authorisation under this order shall notwithstanding anything contained in the terms and conditions of the authorisation, submit to

the competent authority concerned, a true statement showing the monthly receipts and sales of light diesel oil and the opening and closing stocks of light diesel oil for every month so as to reach the competent authority within five days after the close of month.

11. *Power to issue directions to persons holding authorisation.*—The State Government, the Director of Civil Supplies, the Director of Food, the Food Controller Ahmedabad City, the Collector of a District or any competent authority may, by general or special order, issue to any holder of an authorisation such directions regarding maintenance of stocks, storage, purchase, sale, disposal, delivery or distribution of light diesel oil, regarding the language in which the register, statement or cash memos mentioned in paragraphs 5, 7 and 8 of authorisations issued in Form A and B shall be written or regarding the maintenance and authentication of the register mentioned in paragraph 5 of such authorisation as it is or he, as the case may be, may deem fit.

12. *Issue of duplicate.*—If the competent authority is satisfied that an authorisation is lost, destroyed or otherwise rendered useless it may, on payment of a fee of ten rupees issue a duplicate thereof.

13. *Cancellation or suspension of authorisation.*—(1) If the holder of an authorisation contravene any provisions of this Order or any condition specified in the authorisation, then, without prejudice to any other action that may be taken against him, his authorisation may be cancelled or suspended by order in writing by the competent authority after giving him a reasonable opportunity of being heard before such cancellation or as the case may be suspension.

(2) The competent authority may at any time, for any other reason cancel or suspend any authorisation issued by it.

(3) An authorisation cancelled or suspended under this clause shall be surrendered forthwith to the competent authority by the holder thereof.

14. *Forfeiture of security deposit.*—(1) Without prejudice to the provisions of clause 13, if the competent authority is satisfied that the holder of an authorisation has contravened any of the conditions specified in the authorisation, it may, after giving him a reasonable opportunity of being heard before such forfeiture, by order forfeit, the whole or any part of the security deposited or deemed to be deposited by him under this Order.

Provided that the amount so forfeited shall not exceed the amount of security required to be deposited by the dealer under sub-clause (1) of clause 9.

(2) A copy of the order under sub-clause (1) shall be sent to the holder of the authorisation concerned.

(3) The holder of an authorisation shall, if the amount of security at any time falls short of the amount required to be deposited under clause 9, forthwith deposit further security to make up that amount on being required by the competent authority to do so.

(4) Upon due compliance by the holder of an authorisation with all obligations under the authorisation or on cancellation of the authorisation the amount of security or such part thereof which is not forfeited as aforesaid shall be returned to the holder of the authorisation after the termination of the authorisation.

14. *Power of entry, search, seizure, etc.*—Any Civil Supply Officer not below the rank of a Supply Inspector or any Revenue Officer not below the rank of an Aval Karku or any Police Officer not below the rank of a Head Constable and any other person authorised by the State

Government in this behalf may, with a view to securing compliance with the provisions of this Order or to satisfying himself that the provisions of this Order have been complied with,

(a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that a contravention of the provisions of this Order or of the condition of any authorisation issued thereunder has been or is being or is about to be committed, to produce any book, accounts or other documents pertaining to the stock, or transactions relating to the stock of light diesel oil,

(b) ask of any person all necessary questions.

(c) inspect and take or cause to be taken, extracts of copies from the books, accounts or other documents which are produced before him,

(d) enter and search, with such assistance as he thinks fit, any place premises, vehicle or vessel in which he has reason to believe that a contravention of the provisions of this Order has been, is being or is about to be committed,

(e) take, or cause to be taken, the weight or measure of all or any of the stocks of light diesel oil found in any place.

(f) direct by an order in writing any person who owns, or is in possession of, any stock of light diesel oil in respect of which he has reason to suspect that a contravention of any of the provisions of this Order has been, is being or is about to be committed, not to remove or dispose of in any manner such stock of light diesel oil without further directions from the officer making such order,

(g) seize and remove or cause to be seized or removed any stock of light diesel oil in respect of which a contravention of the provisions of this Order has been committed, together with any container or receptacle of such articles;

Provided that in exercising the powers of entry and search under this clause due regard shall be paid by such officers or persons to the social and religious customs of the occupants of the place, premises, vehicle or vessel, as the case may be :

Provided further that if any such place or premises be found locked or unoccupied or unattended by or on behalf of the owner or occupier, the same may, in the presence of two witnesses, be broken open and entered into for all or of the purposes aforesaid.

16. *Forfeiture of light diesel oil.*—Any court trying a contravention of any of the provisions of this Order may direct that light diesel oil in respect of which the court is satisfied that this Order has been contravened shall be forfeited to Government.

17. *Appeal.*—(1) Any persons aggrieved by an order of the competent authority rejecting his application for an authorisation under sub clause (2) of clause 8 or refusing renewal of his authorisation under sub clause (5) of clause 8 or cancelling or suspending his authorisation under sub-clause (1) or (2) of clause 13 or forfeiting his security deposit under sub-clause (1) of clause 14 may within 30 days of the date of receipt by him of such order, appeal to the appellate authority :

Provided that the appellate authority may admit an appeal preferred after the expiry of the said period of 30 days, if the appellant satisfies it that he had sufficient cause for not preferring the appeal within such period.

(2) The appellate authority may pass such order on the appeal as it deems just and proper :

Provided that no such order shall be passed unless the appellant has been given reasonable opportunity of being heard.

(3) Pending disposal of an appeal, the appellate authority may, direct that the order refusing to renew an authorisation or cancelling or suspending the authorisation shall not take effect until the appeal is decided.

(4) For the purpose of this clause and clause 18—

(a) in the City of Ahmedabad, the Food Controller, Ahmedabad shall be the appellate authority if the competent authority which passed the order was lower in rank than that of a Collector or the Food Controller, Ahmedabad.

(b) in any area outside the City of Ahmedabad the Collector shall be the appellate authority if the competent authority which passed the order was lower in rank than that of a Collector, and

(c) the State Government shall be appellate authority in a case not falling under item (a) or (b).

18. *Revision*—(1) The State Government may call for and examine the record of proceedings of any competent authority or appellate authority not being the State Government for the purpose of satisfying itself as to the legality or propriety of any order passed in such proceedings or as to the regularity of such proceedings and pass such order thereon as it deems fit :

Provided that no order shall be passed under this clause unless the person who is likely to be affected thereby has been given a reasonable opportunity of being heard.

(2) Pending disposal of the revision proceedings under this clause the State Government may direct that the order refusing to renew an authorisation or cancelling or suspending an authorisation shall not take effect until an order is passed under sub-clause (1).

19. *Reasons may not be disclosed in public interest*.—Nothing in the foregoing provisions shall be deemed to require the competent authority or, as the case may be, the appellate authority to communicate the reasons for rejecting any application for an authorisation or for renewal of authorisation or cancelling or suspending an authorisation granted under this Order, if it is satisfied that it would not be in the public interest so to do.

20. *Power of the State Government to suspend all or any of the provisions*.—Notwithstanding anything contained in the foregoing provisions of this Order, the State Government may from time to time by notification in the Official Gazette, suspend, for such period as may be specified in such notification, application of all or any of the provisions of this Order in the whole State or any part thereof.

SCHEDULE

FORM "A"

(See Clause 2(i))

Authorisation for selling light diesel oil as a wholesaler under the Gujarat light diesel oil (distribution and sale) control order, 1969.

Wholesaler's Authorisation No.

1. Subject to the provisions of the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969 and to the terms and conditions of this authorisation Shri M/s..... is/are hereby authorised to carry on the business of selling light diesel oil as a wholesaler until the 31st December, 19..... (hereinafter referred to as the holder of authorisation).

2. The holder of authorisation shall carry on the aforesaid business at the following place or places only:—

3. The holder shall not stock or store light diesel oil for the purpose of the aforesaid business except in the place or places mentioned below:—

4. The holder shall not sell light diesel oil to any person, except in accordance with the provisions of the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969, and shall not contravene any of the provisions of the said Order.

5. The holder shall maintain a register of daily accounts correctly showing therein:—

(a) the opening stock of light diesel oil on each day.

(b) the quantity of light diesel oil received during the day, and the sources from which it is received,

(c) the quantity of light diesel oil sold during the day, and

(d) the closing stock of light diesel oil at the end of the day.

6. On each day the holder shall write up and complete his accounts of the transactions of the day.

7. The holder shall submit to the competent authority a true statement showing the monthly receipts and sales of light diesel oil and the opening and closing stocks of light diesel oil for every month so as to reach the competent authority within five days after the close of the month.

8. The holder shall give to every retailer a duly authenticated Memo showing therein the full name and address of such retailer, the quantity of light diesel oil sold, the price charged for the same, and the cash if any, received from him and the holder shall retain a copy of such memo with himself and shall produce the same for inspection when required by the competent authority or any other officer authorised to inspect the same.

9. The holder shall exhibit prominently at the premises where he carries on business, a board bearing the price or rates of light diesel oil.

10. The holder shall prominently display this authorisation at his place of business.

11. The holder shall give all facilities at all reasonable times to any authorised officer of Government for the inspection of his stock and books of accounts relating to light diesel oil transactions,

12. This authorisation is liable to be cancelled in the event of a contravention of any of the aforesaid orders or any condition mentioned in this authorisation or for any other sufficient reasons as provided in the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969.

13. This authorisation expires on.....

Date:

Place:

Competent Authority.

FORM 'B'

(See Clause 2(1))

Authorisation for selling light diesel oil as a Retailer under the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969.

RETAILER'S AUTHORISATION

OF 196 .

1. Subject to the provisions of the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969 and to the terms and conditions of the authorisation Shri M/s. resident of is/are... hereby authorised to carry on the business of selling light diesel oil as a retailer until the 31st December, 19 . (hereinafter referred to as the holder of authorisation).

2. The holder shall carry on the aforesaid business only at the following place or places:

3. The holder shall not stock or store light diesel oil for the purpose of the aforesaid business except in the places mentioned below:—

4. The holder shall not sell light diesel oil to any person except in accordance with the provisions of the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1999, shall not contravene any of the provisions of the said Order.

5. The holder shall maintain a register of daily accounts correctly showing therein:—

(a) the opening stock of light diesel oil on each day;

(b) the quantity of light diesel oil received during the day, and the source from which it is received;

(c) the quantity of light diesel oil sold during the day, and

(d) the closing stock of light diesel oil at the end of the day,

6. On each day the holder shall write up and complete his accounts of the transactions of the day.

7. The holder shall submit to the competent authority a true statement showing the monthly receipts and sales of light diesel oil and the opening and closing stocks of light diesel oil for every month so as to reach the competent authority within five days after the close of the month.

8. The holder shall give to every purchaser a duly authenticated Memo showing therein the full name and address of the purchaser, the quantity of light diesel oil sold and price charged for the same, and the cash, if any received from him, and the holder shall retain a copy of such memo with himself, and shall produce the same for inspection when required by the competent authority or any other officer authorised to inspect the same.

9. The holder shall exhibit prominently at the premises where he carries on business a board bearing the price or rates of light diesel oil.

10. The holder shall prominently display this authorisation at his place of business.

11. The holder shall give all facilities at all reasonable times to any authorised officer of Government for the inspection of his stock and books of accounts relating to light diesel oil transactions.

12. This authorisation is liable to be cancelled in the event of contravention of any of the aforesaid orders or of any conditions mentioned in this authorisation or for any other sufficient reasons as provided in the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969.

13. This authorisation expires on

Date .

Place :

Competent Authority

FORM 'C'

(See Clause 8)

From of application for the grant/renewal of a wholer's [authorisation under the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969.

[For Form see pages 1050 to 1053

Editor.]

FORM 'D'

(See clause 8)

Form of application for the grant/renewal of a retailer's authorisation under the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969.

[For Form D see pages 1053 to 1056.

Editor]

Published in the *Gujarat Govt. Gazette*, Part IV A, No. 15, dated April 9, 1970/Chaitra 19, 1892.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. GKH/72/FER-5470/53996-V.—Sachivalaya, Ahmedabad-15, 31st March 1970.—In exercise of the powers conferred by clause 9(1) of the **Fertilisers (Control) Amendment Order 1969** and in partial modification of the Government notification Agriculture and Lands Department No FER-2169/B, dated 12th January 1961, the Government of Gujarat hereby directs that the Grace period for renewal of certificate of Registration shall be one month from the date of the expiry of the certificate of Registration.

* printed at page 444.

No GG/1791/SB.II/CDM. 5967/1835-II.—Sachivalaya, Ahmedabad-15, 18th March, 1970.—In exercise of the powers conferred by sub-section (1) of section 4 of the **Civil Defence Act, 1968**. (27 of 1968), the Government of Gujarat hereby appoints the Commissioner of Police, Ahmedabad, and all the District Magistrates as controllers to command the Civil Defence Corps within the area of their respective jurisdiction.

No. G/G/1792/SB./II CDM/5967/1835-III—Sachivalaya, Ahmedabad-15, 18th March, 1970.—In exercise of the powers conferred by clause (a) of Section 17 of the **Civil Defence Act, 1968**. (27 of 1968), the Government of Gujarat hereby directs that the powers exercisable by it under section 5 of the said Act shall be exercised also by the Controllers of Civil Defence.

Published in the *Gujarat Govt. Gazette*, Part IV-A, No. 14 dated April 2, 1970/Chaitra 12, 1892

INDUSTRIES, MINES AND POWER DEPARTMENT

No. GU/132/MCR-2170(48) 1532/CHH.—Sachivalaya, Ahmedabad-15, 25 March 1970.—In exercise of the powers conferred by section 25 of the **Mines and Minerals (Regulation and Development) Act 1957** (67 of 1957), the Government of Gujarat hereby specifies the following officers for the purposes of the said section 25, namely:--

- (1) Director of Geology and Mining.
- (2) Deputy Director of Geology and Mining.
- (3) Assistant Director of Geology & Mining.
- (4) Assistant Geologists.
- (5) Collectors.
- (6) Deputy Collectors.
- (7) Mamlatdars.
- (8) Competent Officers appointed under the Gujarat Minor Mineral Rules 1966.
- (9) Divisional Forest Officers.

CIVIL SUPPLIES DEPARTMENT

No. GTH/10(A) ECA 1970/A.—Sachivalaya, Ahmedabad-15 20th

March 1970 —In pursuance of paragraph (a) of sub-clause (2) of clause 5 of the **Gujarat Groundnut Oil (Procurement) Order, 1970** the Government of Gujarat hereby authorises the Mamlatdar, Veraval, in respect of the area within his jurisdiction for the purposes of the said paragraph (a).

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated

April 23, 1970/ Vaisakha 3, 1892,

GENERAL ADMINISTRATION DEPARTMENT

Deptt. No. CNS 1769-H.—Sachivalaya, Bombay 32 : BR, dated the 30th March 1970/ Chaitra 9, Saka 1892 —In exercise of the powers conferred by section 6 of the Bombay Local Authorities Census Expenses Contribution Act, 1950 (Bom. XXIII of 1950), the Government of Maharashtra hereby makes following rules, namely :—

1 *Short title, extent and application*—(1) These rules may be called the Maharashtra Local Authorities Census Expenses Contribution Rules, 1970.

(2) They extend to the whole of the State of Maharashtra.

(3) They shall apply to the Population Census of 1971.

2. *Definitions*.—In these rules, unless the context otherwise requires,—

(a) “Municipal Corporation” means a corporation constituted under the Bombay Municipal Corporation Act (Bom. III of 1888), Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), or the City of Nagpur Corporation Act, 1948 (M P II of 1950).

(b) “Zilla Parishad” means a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962);

(c) “Municipal Council” means a Municipal Council constituted under the Maharashtra Municipalities Act, 1965. (Mah. XL of 1965).

3. *Portion of expenses to be charged to Municipal Corporations and Municipal Councils*.—The portion of expenses which shall be charged to the funds of a Municipal Corporation or Municipal Council shall be one half of the total expenses incurred, whether before or after the coming into force of these rules, in connection with the taking of the Census in all its stages within the limits of the Municipal Corporation or, as the case may be, the Municipal Council.

4. *Portion of expenses to be charged to Zilla Parishads*.—The portion of expenses which shall be charged to the funds of a Zilla Parishad shall be a sum calculated at the rate of Rs. 250 for each taluka or part thereof comprised within the limits of the area of the Zilla Parishad in connection with taking of the Census in all its stages within the limits of such taluka or part thereof.

5. *Repeal*—The Bombay Local Authorities Census Expenses Contribution Rules, 1960, are hereby repealed except as regards things done or omitted to be done.

Published in the *Gujarat Govt. Gazette*, Part IV-A, dated April 23, 1970

Vaisakha 3, 1892.

PANCHAYATS AND HEALTH DEPARTMENT

No G-1878-(A).BDM-1069/2782. (i)-K.—Sachivalaya, Ahmedabad-15, 1st April, 1970. In exercise of the powers conferred by sub-section (1) of section 4 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Government of Gujarat hereby appoints the Director of

Health and Medical Services, Government of Gujarat as the Chief Registrar for the State of Gujarat.

No. GP-1881/(A)/BDM/1069/2782 (ii)-K.—Sachivalaya, Ahmedabad 14, 1st April 1970.—In exercise of the powers conferred by section (2) of section 4 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Government of Gujarat hereby appoints the Officer incharge, Statistical Organisation in the office of Director of Health and Medical Services, Government of Gujarat to be the Deputy Chief Registrar for the purpose of the said sub-section (2).

No. GP-1879-(A)-BDM-1069-2782(iii) K.—Sachivalaya, Ahmedabad 15, 1st April, 1970.—In exercise of the powers conferred by section 5 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Government of Gujarat hereby directs that there shall be two different registration divisions for the State of Gujarat to be known as Urban Division and Rural Division for the purpose of said section.

No. GP-1882-(A)-BDM-1069/2782 iv-K.—Sachivalaya, Ahmedabad-15, 1st April, 1970.—In exercise of the powers conferred by sub section-(1) of section 6 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Government of Gujarat hereby appoints each District Health Officer of the District to be a District Registrar for respective Revenue District for the purposes of the said Section 6.

No. GP-1883-(A) BDM-1069/2782 (v)-K.—Sachivalaya, Ahmedabad-15, 1st April, 1970.—In exercise of the powers conferred by sub section (1) of section 7 of the **Registration of Births and Deaths Act, 1969** (18 of 1969), the Government of Gujarat hereby appoints the following officers to be Registrars for local area specified in the Schedule appended hereto for the purposes of said section 7.

SCHEDULE

1. Each Talati-cum-village Panchayat Secretary of the Gram Panchayat for the local area comprising the area within the jurisdiction of the respective Gram Panchayat.

2. Each Secretary of the Nagar Panchayat for the local area comprising the area within the jurisdiction of the respective Nagar Panchayat.

3. Each Forester or Forest Ranger for the local area comprising the forest area within his jurisdiction.

4. Each Chief Officer or the Health Officer of the Municipality or Municipal Corporation for the local area comprising the area within the jurisdiction of the respective Municipality or Municipal Corporation.

No. GP-1884-(A)-BDM-1069/2782-K.—Sachivalaya, Ahmedabad-15, 1st April, 1970.—In exercise of the powers conferred by sub-section (2) of section 13 of the **Registration of Births and Deaths Act, 1969** (18 of 1969) the Government of Gujarat hereby authorises the Mamlatdars and Mahalkaries to be the officers before whom affidavits should be made for the purpose of the said sub-section (2).

Published in the *Maharashtra Govt. Gazette* Part-IV-B, dated April 16, 1970.

LAW AND JUDICIARY DEPARTMENT

No. CCS. 2768/5528-H.—Sachivalaya, Bombay-32, 16th March 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act, 1969** (Mah. IX of 1970), the Government of Maharashtra hereby appoints the 16th day of March 1970 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated February 5, 1970/Magha 16, 1891.

REVENUE AND FORESTS DEPARTMENT

Deptt. No. MFP. 2169/40755-U.Sr. No. 99.—Sachivalaya, Bombay, 29th January, 1970.—In pursuance of the provisions of sub-section (2) of section 9 of the **Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969** (Mah. LVII of 1969), the Government of Maharashtra hereby empowers all Forest Officer not below the rank of a Range Forest Officer for the purposes of the said sub-section (2).

Deptt. No. MFP. 2169/40755-U. Sr. No. 100.—Sachivalaya, Bombay, 29th January 1970.—In pursuance of the provisions of clause (b) of sub-section 5 of the **Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969** (Mah. LVII of 1969), the Government of Maharashtra hereby authorises all Divisional Forest Officers for the purposes of the said clause (b).

Deptt. No. MFP. 2169/40755-U.Sr. No.101.—Sachivalaya, Bombay, 29th January 1970.—In exercise of the powers conferred by section 13 of the **Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969** (Mah. LVII of 1969), the Government of Maharashtra hereby delegates its powers and functions specified in column 1 of the Schedule appended hereto to the officers respectively specified against them in column 2 of that Schedule, subject to the conditions and restrictions respectively specified against them in column 3 thereof.

SCHEDULE

Powers and Functions 1	Officers 2	Conditions and Restrictions 3
Power to appoint agents under sub-section (1) of section 4.	All Divisional Forest Officers.	Previous approval of the Conservator of Forests of the Circle having jurisdiction over the unit for which the agent is to be appointed, shall be obtained before exercising the power.
Function of publishing the prices of minor forest produce in the other prescribed manner under section 7.	The Conservator of Forests.	...
Power to direct setting up of depots in units under section 8.	All Divisional Forest Officers.	

Deptt. No. MFP. 2169/40755-U.Sr. No. 98.—Sachivalaya, Bombay, 29th January 1970.—In pursuance of the provisions of sub-section (1) of section 14 of the **Maharashtra Minor Forest Produce (Regulation of Trade) Act 1969** (Mah. LVII of 1969), the Government of Maharashtra hereby authorises all Forest Officers for the purposes of the said sub-section (1).

Published in the *Maharashtra Government Gazette*, Part IV B, dated January 29, 1970/Magha 9, 1891.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. ADR. 1069/11161-C-1. Sr. No. 74.—Sachivalaya Annexe.

Bombay-32, 13th January 1970.—In exercise of the powers conferred by sub-section (1) of section 51 of the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969 (Mah. XXII of 1969), and of all other powers enabling it in that behalf; the Government of Maharashtra hereby makes the following rules, the same having been published as required by sub-section (2) of the said section 51, namely :—

1. *Short title and comment.*—(1) These rules may be called the **Maharashtra (Vidarbha Region) Agricultural Debtors Relief Rules, 1969.**

(2) They shall come into force on the 13th January 1970.

2. *Definitions.*—In these rules, unless the context requires otherwise—

(i) "Act" means the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969 ;

(ii) "Form" means a form appended to these rules ;

(iii) "Government" means the Government of Maharashtra ;

(iv) "Section" means a section of the Act ;

3. *Financing of crops for other purposes*—The other purposes for which loans may be advanced for the financing of crops within the meaning of clause (8) of section 2 shall be—

(i) Labour charges ;

(ii) Transport charge ;

(iii) Purchase of fodder ;

(iv) Intercultivating ;

(v) Threshing ;

(vi) Hire or purchase of plough, cattle and agricultural implements;

(vii) Maintenance of the debtor and his dependents and of his cattle and repairs to agricultural implements ;

(viii) Current expenses of running agricultural machinery, e, g., pumps or engines, including fuel charges ; and

(ix) Such other purposes in respect of any particular area and in any particular year as may have been certified by the Government to be necessary for the purpose of raising of harvesting any crop in that year.

4. *Period of repayment of loans.*—(1) The period of repayment of loans shall be—

(i) 15 months, in the case of loans advanced for the purposes falling under clause (iii) to (vii) and clause (ix) to (xi) of rule 3; (ii) 3 years in the case of loans advanced for purchase of plough and cattle;

(iii) 5 years, in the case of loans advanced for purchase of agricultural implements; and

(iv) 15 years, in the case of loans advance for any other purpose,

(2) Every such period shall be counted from the date on which the advance is given.

5. *Application under sub-section (1) of section 3 and sub-section (1) of section 6.*—Applications by the debtor or his creditor under sub-section (1) of section 3 shall be in Forms Nos. 1 and 2 respectively, and application under sub-section (1) of section 6 shall be in Form No. 3. They shall be presented to the Court during office hours by the applicants personally or shall be sent by registered post addressed to the Court and shall be received by the Civil Judge or by such person as may be authorised by him to receive them.

6. *Manner of giving notice by the Court under sub-section (3) of section 6.*—The notice to be given by the Court under sub-section (3) of section 6 to the creditor or creditors or the debtor, as the case may be, shall be served by registered post acknowledgement due at the address of the

creditor or creditors or debtor, as the case may be, mentioned in the application and shall specify a minimum period of 15 clear days to show cause why the settlement applied for should not be recorded and certified by the Court. The notice shall also call upon the creditor or debtor to produce documentary evidence with them in support of their say in the matter.

7. *Manner of publication of general notice under section 12.*—The general notice under clause (b) of section 12 may be published by affixing copies of it at the offices of the Court concerned, and of the Tahsildars of the talukas concerned. Such notice shall state, that the list of debtors, who have made applications for adjustment of debts or against whom applications have been made, will be available for inspection at all reasonable times of the Court.

8. *Form of statement under section 12.*—The statement which a debtor or a creditor is required to submit under section 12 shall be in Form No. 4 or 5 as the case may be.

9. *Form of award.*—The award under sub-section (2) of section 23 shall be in the Form No 6

10. *Application under clause (1) of sub-section (3) of section 26.*—Application under clause (1) of sub-section (3) of section 26 shall be in Form No. 7.

11. *Procedure when a debtor's property is ordered to be sold under section 29 or sub-section 30 of section 42.*—(i) Every sale of property whether movable or immovable ordered under section 29 or sub-section (3) of section 42 shall be held by an officer of the Court in accordance with the procedure laid down for the sale of such property under the Code of Civil Procedure, 1908.

(ii) A certificate in Form No. 8 shall be issued to the purchaser of property by the officer conducting the sale under this rule.

12. *Recovery of Court fees.*—The court-fees payable under sub-section (1) of section 33 shall be recovered as arrears of land revenue.

13. *Procedure in Code of Civil Procedure, 1908 to be followed generally.*—In respect of any matter for which no provision is made in the Act or these rules, the procedure laid down in the Code of Civil Procedure, 1908 shall, so far as may be, be followed by the Court in the proceedings before it.

14. *Form of Register of Debt Adjustment Awards and Index.*—The Register of Debt Adjustment Award in the form of a file book with numbered butts, to be kept under section 36, shall be kept in Form No. 9 and an Index relating thereto shall be in Forms Nos. 10 and 11, and shall be maintained by all registration offices.

15. *Particulars of memorandum to be sent to Sub-Registrars under section 37*—Particulars to be included in the memorandum to be sent by the Court to the Sub-Registrar or the Registrar, as the case may be, under section 37 shall be in Form No. 12 and shall be endorsed on the certified copy of the award sent for registration under the said section 37.

16. *Conditions subject to which authorised persons may advance loans.*—The authority under section 50 to any person to advance loans to debtors who are parties to any proceedings under the Act or in respect of whose debts an adjustment has been made under the Act (hereinafter referred to in this rule as the authorised person) shall be in Form No. 13. It shall not be granted except on the following conditions :—

(i) *Purposes for which advances may be made and the maximum limits of such advances.*—The authorised person shall not advance loans to any

debtor except for the purpose of seasonal finance not exceeding the maximum limits which the Collector has fixed in this behalf under rule 16.

The authorised person shall not knowingly advance any loan to any debtor who had previously taken a loan from another authorised person unless such previous loan has been fully paid or unless the authorised person agrees to discharge the liability of the debtor in respect of such previous loan.

(ii) *Authorised person not to withhold permission for sale of crops or produce.*—The authorised person shall not unreasonably withhold permission required by a debtor under sub-section (1) of section 49 for sale of the standing crops or the produce of his land, and if the authorised person himself buys the crops or produce, he shall pay the debtor the price thereof at the market rate.

(iii) *Duty of authorised person to maintain and furnish accounts.*—The authorised person shall keep regularly in Form No. 14 a separate account of each loan advanced to a debtor :

Provided that, where the loans to any debtor are advanced on a current account, the authorised person may keep the account of all transactions relating to such loans.

Explanation.—(a) For the purposes of this clause the term "current account" includes, in the case of banks, accounts relating to overdrafts, cash credits and pro-note accounts, which are maintained in the forms of current accounts.

(b) The authorised person shall, within one month, after the expiry of every year, supply every debtor a full and correct statement of accounts signed by him or his agent. Such statement of accounts shall show all the transactions entered into during the year and the balance outstanding on account of each loan on such date as Government may prescribe either generally or for a particular area and shall contain particulars as in Form No. 15 :

Provided that, where the loans are advanced on a current account, it shall be sufficient to furnish particulars of the balance due on the whole of such account on the prescribed date. In the case of banks, the requirements of this clause shall be deemed to have been complied with, if a full statement of accounts has been supplied to the debtor by means of a pass-book or otherwise from time to time throughout the year and intimation is given within one month after the expiry of the year of the amount of the balance remaining due on the prescribed date.

(c) The statements of accounts shall be furnished to the debtors by registered post and an acknowledgement obtain thereof at the cost of the authorised person

(iv) *Rate and calculation of interest.*—The authorised person shall not charge or recover interest at a rate higher than the rate notified by Government under rule 18.

(d) If any repayment is made in respect of a loan, interest on such loan shall be calculated upto the date of such repayment ; and if the loan or any part thereof is outstanding interest shall thereafter be calculated only on the balance of the principal still outstanding.

(v) *Inspection of accounts to be allowed.*—The authorised person, unless specially exempted by Government shall, allow such officer as may be appointed in this behalf by Government to inspect the account maintained by him.

(vi) *Penalty for non-compliance with conditions mentioned in this rule.*—Government may in its discretion cancel the authority granted by

it for breach of any of the foregoing conditions or for any other reason.

17. *Collector to fix maximum limits upto which advance may be made.*—The Collector shall, by notification in the Official Gazette, fix maximum limits upto which persons authorised under section 50 may advance loans to debtors, who are parties to any proceedings under the Act or in respect of whose debts an adjustments has been made under the Act for seasonal finance once a year. Such limits shall come into force from the first day of the month next to that in which the notification is published by the Collector, and shall remain in force, till the end of the month, in which a fresh notification is published by the Collector in the next year. Such limits may be fixed separately for different crops and for different areas having regard to the seasons, nature and productivity of the crops.

18. *Government to fix maximum rates of interest.*—Government shall, from time to time, by notification in the Official Gazette, fix a rate of interest not exceeding 9 per cent per annum, at which loans for seasonal finance may be advanced by persons authorised under section 50.

[For Forms 1 to 13 see the *Maharashtra Government Gazette*, Part IV-B, dated January 29, 1970, Pages 401 to 418. *Editor.*]

Published in the *Gujarat Government Gazette*, Part IV-B, dated May 7, 1970/Vaisakha 17, 1892.

PUBLIC WORKS DEPARTMENT

No. GHJ/235/BRA-1868/M/7885-A.—Sachivalaya, Ahmedabad-15, 14th October 1969.—In exercise of the powers conferred by sub-section (2) of section 6 of the **Bombay Rents, Hotel and Lodging House Rates Control Act, 1947** (Bom. LVII of 1947) the Government of Gujarat hereby specifies that in the area of Rankuwa, village of Chikhli taluka of Bulsar District, the provisions of part II of the said Act shall, with effect from the date of publication of this notification in the Official Gazette, apply to premises let for residence purpose.

FINANCE DEPARTMENT

No. (GHN-626) (A) GST. 1970/S. 1(3)-TH.—Sachivalaya, Ahmedabad-15, 29th April, 1970.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Gujarat Sales Tax Act, 1969** (Guj. 1 of 1970), the Government of Gujarat hereby appoints the 6th May 1970 as the date on which the remaining provisions of the said Act shall come into force.

*Printed at page 965.

Published in the *Gujarat Government Gazette*, Part IVA, dated April 30, 1970/Vaisakha 10, 1892.

CIVIL SUPPLIES DEPARTMENT

No. GTH-14/(A)KSN/1060/4360/(iii)/C.—Sachivalaya, Ahmedabad-15, 18th April, 1970.—In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (10 of 1955) read with the Order of the Government of India, Ministry of Commerce No. 26 (11) Com-Genl-66, dated the 18th June 1966, the Government of Gujarat hereby amends the **Gujarat Kerosene (Distribution and Sale) Control Order, 1966** as follows, namely:—

In the said Order,—

(1) in clause 2, for sub-clause (6A) the following shall be substituted namely:—

“(6A) “month” means a month reckoned according to the British Calendar; and the word ‘monthly’ shall be construed accordingly;”;

(2) in clause 4, in sub-clause (2) for the words, figures and brackets “not exceeding 92 5 liters (5 tins) at any one time” the words, figures and brackets “not exceeding 185 litres (10 tins) at any one time” shall be substituted;

(3) in clause 8B,—

(a) for the word “fortnightly” the word “monthly” shall be substituted; and

(b) for the words “fortnight” occurring at two places the word “month” shall be substituted;

(4) in clause 16, for the words, figures and brackets “not exceeding 92 5 litres (5 tins) at any one time” the words, figures and brackets “not exceeding 185 litres (10 tins) at any one time” shall be substituted;

(5) after clause 16, the following clause shall be inserted, namely:—

“17. Power of the State Government to suspend all or any of the provisions—notwithstanding anything contained in the foregoing provisions of this Order, the State Government may, from time to time, by notification in the Official Gazette, suspend, for such period as may be specified in such notification, application of all or any of the provisions of this Order in the whole State or any part thereof”;

(6) in form AA, in paragraph 7—

(a) for the word “fortnightly” the word “monthly” shall be substituted;

(b) for the word “fortnight” occurring at two places, the word “month” shall be substituted;

(7) in form A, in paragraph 7—

(a) for the word “fortnightly” the word “monthly” shall be substituted;

(b) for the word “fortnight” occurring at two places, the word “month” shall be substituted;

(8) in form B, in paragraph 5—

(a) for the word “fortnightly” the word “monthly” shall be substituted;

(b) for the word “fortnight” occurring at two places, the word “month” shall be substituted.

*Printed at pages 557-558.

No. GTH 15/A(A)/KSN/1069(iv)/C.—Sachivalaya, Ahmedabad-15, 18th April, 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India, Ministry of Commerce No 26(11) Com-Genl-66, dated the 18th June, 1966, the Government of Gujarat hereby amends the Gujarat Kerosene (Declaration of Stock) Order, 1966, as follows, namely:—

In the said Order,—

(1) in clause 3, for the figures, words and brackets “92.5 litres (5 tins)” occurring at two places the figures, words and brackets “185 litres (10 tins)” shall be substituted;

(2) in clause 4, for the figures, words and brackets “92.5 litres (5 tins)” occurring at two places the figures, words and brackets “185 litres (10 tins)” shall be substituted.

*Printed at page 559.

No. GTH/18/(A)KSN/1069/4806/(v)/C.—Sachivalaya, Ahmedabad-15, 18th April 1970.—In exercise of the powers conferred by clause 17 of the **Gujarat Kerosene (Distribution and sale) Control Order, 1968**, the Government of Gujarat hereby suspends for the period commencing from 18th April, 1970 and ending on the 31st December, 1970, application of sub-clause (2) of clause 5 of the said Order in the whole State.

*Printed at page 560.

Published in the *Gujarat Government Gazette*, Part IV-B, dated April 30, 1970/Vaisakha 10, 1892.

REVENUE DEPARTMENT

No. GHM/966M/GRT 1268/69725 Z.—Sachivalaya, Ahmedabad-15, 18th April, 1970.—In exercise of the powers conferred by sub-section (2) of section 9 of the **Bombay Revenue Tribunal Act, 1957** (Bom. XXXI of 1958), the Government of Gujarat hereby directs that the Gujarat Revenue Tribunal shall have jurisdiction to entertain and decide appeals from and revise decisions and orders of officers not below the rank of a Collector in cases arising under the provisions of sub-section (1) of section 101 of the **Gujarat Panchayats Act, 1961**, (Guj VI of 1962) and for that purpose amends the First Schedule to the **Bombay Revenue Tribunal Act, 1957** as follows, namely :—

In the said Schedule, after serial number 11 and the entries there against, the following serial number and entries there against in columns 1 and 2 shall be inserted, namely :—

Name of enactment	Appellate or revisional jurisdiction against orders or decisions in cases arising under the following provisions.
1	2
"12. The Gujarat Panchayats Act, 1961 (Gu). VI of 1962.)	Section 101," sub-section (1).

REVENUE DEPARTMENT

No. GHM 1459/(A)M/STP 1070/42833-H.—Sachivalaya, Ahmedabad, 20th April, 1970.—In exercise of the powers conferred by clause (a) of section 9 of the **Bombay Stamp Act, 1958** (Bom. LX of 1958) Government of Gujarat is pleased to reduce the rate of stamp duty from the rates prescribed under article 25(a) or (b) to the rate prescribed under article 13 of the **Bombay Stamp Act, 1958**, in respect of instruments of loans and advances without possession executed by the members of the Co-operative Housing Societies.

Published in the *Gujarat Government Gazette*, Part III-C, dated April 30, 1970/Vaisakha 10, 1892.

BY THE HIGH COURT OF GUJARAT AT AHMEDABAD

No. CH. HC. C. 0205/61.—In exercise of the powers under Article 227 of the Constitution of India, and with the previous approval of the Governor of Gujarat, the Honourable the Chief Justice and Judges are pleased to make the following amendments in the **Ahmedabad City Civil Court Rules, 1961**, published under High Court Notification No. C. 0205/61, dated the 4th November, 1961 :—

Re-number Rule 7 as Rule 7(1) and add the following as Sub-rule (2) after the said Rule 7(1) ;

"(2) The Principal Judge may, with the previous permission of the High Court, alter the hours prescribed in sub-para (1) above, but so as not to reduce the total number of working hours in the week".

Ahmedabad, 22nd April, 1970.

R. L. DAVE,
Additional Registrar.

No. CH/MIR/2/(A)ADM-5/3719-21.—In exercise of the powers conferred by Section 69 of the **Indian Registration Act, 1908** (XVI of 1908) in its application to the State of Gujarat, and with the approval of the Government of Gujarat, the Inspector General of Registration of the State of Gujarat hereby amends the **Bombay Registration Rules, 1946** as follows, namely :—

In the said rule, in schedule A, under the heading "Baroda District" for the entries relating to Naswadi Sub-District the following entries shall be substituted in the respective columns namely—

Naswadi	Naswadi	On every Thursday in the months of February to June every year.
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U. M. BHATT,

Ahmedabad, 20th April, 1970.

Inspector General of Registration,
Gujarat State, Ahmedabad.

Published in the *Gujarat Government Gazette*, Part IV-A, dated May 14, 1970/Vaisakha 24, 1892.

FINANCE DEPARTMENT

No. (GN-835)(A)CST-1070/S. 8(5)-(1)/TH.—Sachivalaya, Ahmedabad-15, dated the 29th April 1970.—In exercise of the powers conferred by sub-section (5) of section 8 of the **Central Sales Tax Act, 1956** (LX-XIV of 1956) (hereinafter referred to as the "said Act"), the Government of Gujarat having been satisfied that it is necessary so to do in the public interest, hereby directs that in respect of elastic tapes, the tax payable under sub section (2) of section 8 of the said Act by any dealer having his place of business in the State of Gujarat in respect of the sales by him from such place of business of the said goods in the course of inter State trade or commerce shall be calculated at three per cent of the sale price of the goods so sold

No. (GN-836)(A)CST-1370/S. 8(5)-(2) TH.—Sachivalaya, Ahmedabad-15, dated the 29th April 1970.—In exercise of the powers conferred by sub-section (5) of section 8 of the **Central Sales Tax Act, 1956** (LX-XIV of 1956) and in supersession of the Government Notification, Finance Department No. GN-187 MVA 1065/1749-TH, dated the 5th April, 1965, the Government of Gujarat hereby directs that where any of the classes of goods specified in the Schedule appended hereto are—

(a) produced by a dealer as a producer certified for the purpose of entry 35 in Schedule I to the **Gujarat Sales Tax Act, 1969**, or

(b) stocked by a dealer certified for the purpose of the said entry 35, or

(c) purchased by a dealer from a producer or a dealer so certified, and such dealer has his place of business in the State of Gujarat, then in respect of any such goods no tax shall be payable under the said Act by such dealer in respect of the sale by him from such place of business of such goods in the course of of inter-State trade or commerce.

SCHEDULE

Classes of Goods

1. Products of Village Industries as defined in the **Khadi and Village Industries Commission Act, 1956**.

2. Silk Khadi and ready made garments and other articles prepared from Khadi.

3. Cotton, silk or woollen yarn handspun in India and articles knitted by hand from such yarn or from a mixture of any two or all such yarns.

Explanation—For the purpose of this Schedule, Khadi means any cloth woven on handloom in India from cotton, silk or woollen yarn handspun in India or from the mixture of any two or all such yarns; and 'Silk Khadi' means cloth woven on handloom in India from silk yarn handspun in India.

No (GN-637)(A)CST-1070/S 8(5)-(3)-TH - Sachivalaya, Ahmedabad-15, dated the 29th April 1970—In exercise of the powers conferred by sub-section (5) of section 8 of the **Central Sales Tax Act, 1956** (LXXIV of 1956) (hereinafter referred to as "the said Act" and in supersession of Government Notification, Finance Department, No. STA.1262/31629-K dated the 28th March, 1962, the Government of Gujarat hereby directs that in respect of sales in the course of inter-State trade or commerce, of containers or packing materials made along with the sale of any exempted goods in the course of inter-State trade or commerce, the tax payable under the said Act by any dealer having his place of business in the State of Gujarat in respect of the sale by him from such place of business of such containers and packing materials in the course of inter State trade or commerce shall be calculated at the rate of three percent of the sale price of such containers or packing materials, as the case may be, if the containers or packing materials are used as containers or packing materials of the said exempted goods.

Explanation.—In this notification "exempted goods" means any of the goods other than those taxable goods which are deemed under clause (33) of section 2 of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970).

Published in the *Maharashtra Govt. Gazette* Part IV-B, dated May 28, 1970.

GENERAL ADMINISTRATION DEPARTMENT (ACCOMMODATION)

Part IV-B M.G.G., Sr. No. 244.

No. C/B. B. R. & R. Cess-1969.—Sachivalaya Annexe, Bombay-32, 29th April 1970,—In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1938 (Bom. XXXIII of 1948), the Government of Maharashtra hereby make the following rules further to amend the Bombay Land Requisition (Determination of Compensation) Rules, 1939, namely:—

1. These rules may be called the **Bombay Land Requisition (Determination of Compensation) (Amendment) Rules, 1970.**

2. In the Bombay Land Requisition (Determination of Compensation) Rules, 1949, after rule 5-I, the following new rule shall be inserted, namely:—

"5-J. Notwithstanding anything contained in these rules, where the amount of compensation payable as rent in respect of any premises in Greater Bombay has been determined before the 1st day of January 1970 (hereinafter referred to as "the said date") under sub-section (1) of section 8 of the Act (such amount being an amount inclusive of any increase by an addition to rent made in pursuance of any order made by the Compensation Officer under any of the preceding rules, if any) (hereinafter referred to as "the rent") and the Bombay Building Repairs and Reconstruction Cess under sub-section (1) of section 27 of the Bombay Building Repairs and Reconstruction Board Act, 1969 (hereinafter referred to as "the said Act") has been levied on such premises from the

said date, the Compensation Officer may, by general or special order, direct that the amount of rent so determined in respect of such premises shall, on and from the said date, be increased by an amount equal to the proportionate increase which the landlord would have been entitled to make in the rent in respect of such premises under sub-section (4) of section 27 of the said Act had the allottee been a tenant in respect of the premises aforesaid".

FINANCE DEPARTMENT

Part IV-B—M.G.G., Sr. No. 239.

No STA. 1070/485-YIII—Sachivalaya, Bombay-32, 30th April 1970.—In exercise of the powers conferred by sub-section (2) of section 5 of the **Bombay Sales Tax Act, 1959** (Bom. LI of 1959), the Government of Maharashtra hereby amends schedule 'A' of the said Act as follows, namely:—

1. In the said Schedule 'A', in entry 9 in column 2, the following sub-entry shall be added at the end namely:—

'(c) Pig feed."

2. This notification shall take effect from the 1st day of May 1970.

RURAL DEVELOPMENT DEPARTMENT

Part IV-B—M.G.G., Sr. No. 240.

No. ZFA. 137 -N.—Sachivalaya, Bombay-32, 29th April 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Maharashtra Zila Parishads and Panchayat Samitis (Amendment) Act, 1970** (Mah. XXII of 1970), the Government of Maharashtra hereby appoints the 30th day of April 1970 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Government Gazette*, Part IV-B;
dated May 21, 1970/Vaisakha 31, 1892

REVENUE AND FORESTS DEPARTMENT

Part IV-B—M.G.G., Sr. No. 223

No. MFP. 2170/48951-U—Sachivalaya, Bombay-32, 22nd April 1970.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 19 of the **Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969** (Mah. LVII of 1969), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the **Maharashtra Minor Forest Produce (Regulation of Trade in Tendu Leaves) Rules, 1969**, the same having been previously published as required by sub-section (1) of section 19 of the said Act, namely:—

1. These rules may be called the **Maharashtra Minor Forest Produce (Regulation of Trade in Tendu Leaves) (Amendment) Rules, 1970**

2. In rule 3 of the **Maharashtra Minor Forest Produce (Regulation of Trade in Tendu Leaves) Rules, 1969**, in sub-rule (12),—

(a) in clause (a), for the figures "10" the figures "20" shall be substituted;

(b) in clause (b), after the words "Bank Draft", the following shall be inserted, namely:—

"or of Bank guarantee, in the form in which guarantees are offered by Schedule Banks to the Departments of the Government of Maharashtra under the Bank Guarantee Scheme";

(c) in clause (f), for the words "equal in extent to" the words "equal to twice" shall be substituted.

FINANCE DEPARTMENT

Part IV B—M.G.G. Sr. No. 234.

No. STA. 1069/3585-XIII.—Sachivalaya, Bombay-32, 25th April 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Sales Tax (Amendment) Act, 1970** (Mah. XXI of 1970), the Government of Maharashtra hereby appoints the 1st day of May 1970 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Govt. Gazette*, Part IV-A, No. 22, dated April 16, 1970/Chaitra 11, 1892.

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING DEPARTMENT

No. PFA-1069/2710-V.—Sachivalaya, Bombay-32, 31st March, 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Prevention of Food Adulteration (Maharashtra Amendment) Act 1969** (Mah. Act XIII of 1970), the Government of Maharashtra hereby appoints the 7th day of April, 1970 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Govt. Gazette*, Ext., Part IV-A, No. 28, dated April 29, 1970/Vaisakha, 9, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT.

Part IV-A—M.G.G., Sr. No. 120

No. ECA. 7269/40181-F.—Sachivalaya Annexe, Bombay 32 29th April 1970.—In exercise of the powers conferred by clauses (d) and (j) of sub section (2) of section 3 of the **Essential Commodities Act, 1955** (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Government of India Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), Order No. G.S.R. 1111, dated the 24th July 1967, the Government of Maharashtra hereby, with effect from the 1st May 1970 rescinds the **Maharashtra Guest Control Order 1965**, except as respects anything done or omitted to be done thereunder before such date.

Published in the *Maharashtra Government Gazette*, Ext., Part IV-A,

No. 27, dated April 30, 1970/Vaisakha 10, 1892

FOOD AND CIVIL SUPPLIES DEPARTMENT

Part IV-A—M.G.G., Sr. No. 116.

No. ECA 7069-F.—Sachivalaya Annexe, Bombay-32, 21st April, 1970 —In exercise of the powers conferred by sub-section (1) read with clause (d) of sub-section (2) of section 3 of the **Essential Commodities Act, 1955** (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. GSR. 1111, dated the 24th July, 1967, and with the prior concurrence of the Central Government the Government of Maharashtra hereby makes the following order to amend the **Maharashtra Levy Sugar (Regulation of Distribution) Order, 1967**, namely :—

1. This Ordinance may be called the **Maharashtra Levy Sugar (Regulation of Distribution) (Amendment) Order, 1970**.

2. In the **Maharashtra Levy Sugar (Regulation of Distribution) Order, 1967**, for clause 20, the following shall be substituted, namely :—

"20. *Distribution or acquisition of levy sugar otherwise than on ration documents*—Notwithstanding any provisions of this Order, the distribution or acquisition of levy sugar otherwise than on a ration document, whether or not for household consumption or establishment consumption and subject to such conditions as may be specified, may be authorised by the State Government or any officer empowered by it in this behalf."

Published in the *Maharashtra Government Gazette*, Part IV-A,

No. 1, dated May 28, 1970/Jyaishta 7, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT

Part IV-A—M.G.G. Sr No 134

No ECA-2369/F.—Sachivalaya Annexe, Bombay, 12th May, 1970.
—In exercise of the powers conferred by sub-section (1), read with clauses (d), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India, Ministry of Food, Agriculture Community Development and Co operation (Department of Food), No. G S R. 1111, dated the 24th July, 1967, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order 1966, namely :—

1. This order may be called the **Maharashtra Scheduled Foodgrains (Regulation of Distribution) (Amendment) Order, 1970.**

2. In the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, for clause 9, the following clause shall be substituted, namely :—

"9. *Replacement of defaced, lost or destroyed foodgrains document and fees to be charged therefor.*—(1) If any foodgrains document be defaced, lost or destroyed, the Collector or any officer authorised by the Collector may, unless otherwise provided for in any regulations made in this behalf, after making such inquiry as he may think fit, issue new foodgrains document in place thereof, on payment of a fee of Rupees two in the case of an authorisation issued under clause 3 and of fifty paise in the case of any other foodgrains document :

Provided that, no such fee shall be charged for the issue of any duplicate foodgrains card, if the Collector or the authorised officer is satisfied that the original card was defaced, lost or destroyed on account of fire, flood or other natural calamity or is required to be produced in a Court or for purposes of evidence before any person holding an inquiry or is required to be retained for official correspondence or the duplicate foodgrains card is required to be issued on account of some mistake on the part of the issuing office.

(2) Every person to whom a new foodgrains document, has been issued shall, if he subsequently finds the lost document, forthwith return the latter document to the Collector or the authorised officer."

Part IV A—M.G.G., Sr. No. 135.

No ECA 5669/F.—Sachivalaya Annexe, Bombay, 12th May, 1970.
—In exercise of the powers conferred by sub-section (1), read with clauses (d), (ii) and (j) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (X of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the

24th July 1967, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Articles (Regulation of Distribution by Card System) Order, 1968, namely :—

1. This order may be called the **Maharashtra Scheduled Articles (Regulation of Distribution by Card System) (Amendment), Order, 1970.**

2. In the Maharashtra Scheduled Articles (Regulation of Distribution by Card System) Order, 1968, after clause 6, the following clause shall be inserted, namely :—

"6A. Replacement of defaced, lost or destroyed supply document and fees to be charged therefor.—(1) If any supply document be defaced lost or destroyed, the Collector or any officer authorised by the Collector may, after making such inquiry as he may think fit, issue a new supply document in place thereof, on payment of a fee of Rupees two in the case of an authorisation issued under clause 2A and of fifty paise in the case of any other supply document :

Provided that no such fee shall be charged for the issue of any duplicate supply card, if the Collector or the authorised officer is satisfied that the original card was defaced, lost or destroyed on account of fire, flood or other natural calamity or is required to be produced in a Court or for purposes of evidence before any person holding an inquiry or is required to be retained for official correspondence or the duplicate supply card is required to be issued on account of some mistake on the part of the issuing office.

(2) Every person to whom a new supply document has been issued shall, if he subsequently finds the lost document, forthwith return the latter document to the Collector or the authorised officer.

Part IV-A—M.G.G., Sr. No. 136.

No. FDL. 1070-F.—Sachivalaya Annexe, Bombay-32, 14th May 1970 —In exercise of the powers conferred by sub-section (1) read with clauses (c), (d), (e), (h), (i), (ii), and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Foodgrains Dealers Licensing Order, 1963, namely:—

1. This Order may be called the **Maharashtra Foodgrains Dealers Licensing (Amendment) Order, 1970**

2. The Maharashtra Foodgrains Dealers' Licensing Order, 1963, in Schedule I, entry 7 relating to Barley shall be deleted.

Part IV-A—M.G.G., Sr. No. 137.

No. STR. 4070/1903-K.—Sachivalaya Annexe, Bombay-32, 15th May, 1970 —In exercise of the powers conferred by clause 21 of the **Maharashtra Foodgrains Rationing (Second) Order, 1966** the Government of Maharashtra hereby authorizes wholesalers sub-wholesalers and retailers who have purchased broken rice known by the name 'Adhwar Rice' from the Maharashtra Rajya Wholesale Consumers Co-operative Societies Federation Limited, Bombay, for selling it to persons without production of a ration document. This permission is valid up to 30th June, 1970.

2. This permission does not permit Authorised Ration Shops to deal in broken rice known by the name "Adhwar Rice."

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dated May, 28, 1970/Jyaistha 7, 1892.

CIVIL SUPPLIES DEPARTMENT

No. GTH21/(A)KSN/1069/4360/(1)/C.—Sachivalaya, Ahmedabad-15, 12th May 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India, Ministry of Commerce No. 26 (11) Com-Genl-66, dated the 18th June, 1966, the Government of Gujarat hereby amends the **Gujarat Kerosene (Distribution and Sale) Control Order, 1966** as follows, namely :—

In the said Order,—

(1) in clause 4 in sub-clause (2) for the words, figures and brackets "not exceeding 185 litres (10 tins) at any one time" the words and figures "not exceeding 220 litres at any one time" shall be substituted ;

(2) in clause 16, for the words, figures and brackets "not exceeding 185 litres (10 tins) at any one time" the words and figures "not exceeding 220 litres at any one time" shall be substituted.

*Pages 623-624.

No. GTH/22(A)KSN/1069 ii)/C.—Sachivalaya, Ahmedabad-15, 12th May 1970.—In exercise of the powers conferred by section (3) of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India, Ministry of Commerce No. 26 (11) Com-Genl-66, dated the 18th June, 1966, the Government of Gujarat hereby amends the **Gujarat Kerosene (Declaration of Stock) Order, 1965**, as follows, namely :—

In the said Order,—

(1) in clause 3, for the figures, words and brackets "185 litres (10 tins)" occurring at two places the figures and words "220 litres" shall be substituted ;

(2) in clause 4, for the figures, words and brackets "185 litres (10 tins)" occurring at two places the figures and words "220 litres" shall be substituted.

*Page 624.

FINANCE DEPARTMENT

(GN. 643)(A)/CST-1070/58(5)-(5)-IH.—Sachivalaya, Ahmedabad, 15th May 1970.—In exercise of the powers conferred by sub-section (c) of section 8 of the **Central Sales Tax Act, 1956** (LXXIV of 1956), the Government of Gujarat, having been satisfied that it is necessary to do so in the public interest, hereby directs that in respect of chemical fertilizers, no tax under the said Act shall be payable by any dealer having his place of business in the State of Gujarat in respect of the sales by him, from such place of business of the said goods in the course of inter-State trade or commerce.

*Page 625.

CIVIL SUPPLIES DEPARTMENT

No. GTH/23(A)/ECA/2168/339/B —Sachivalaya, Ahmedabad-15, 15th May 1970 —In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order

of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. GSR. 1111, dated the 24th July 1967 and with the prior concurrence of the Central Government, the Government of Gujarat hereby amends the **Gujarat Foodgrains Dealers Licensing Order, 1964**, as follows, namely :—

In the said Order,

- (1) in sub-clause (a) of clause 2,
- (i) for the word “ten”, the word “twenty” shall be substituted;
- (ii) for the words “twenty five” the word “fifty” shall be substituted;

(2) in sub-clause (2) of clause 3,—

- (i) for the word “ten” the word “twenty” shall be substituted;
- (ii) for the figures “25” the figures “50” shall be substituted.

*Pages 625—626

Published in the *Gujarat Govt. Gazette* Part IV-B, No. 21,
dated May 21 1970/Vaisakha 31, 1892.

INDUSTRIES, MINES AND POWER DEPARTMENT.

No. GHU-141-WMA-1070/5441/KH.—Sachivalaya, Ahmedabad-15,
7th May 1970.—In exercise of the powers conferred by section 8 of the **Bombay Weights and Measures (Enforcement) Act, 1958** (Bom. LXIX of 1958), the Government of Gujarat hereby directs that with effect on and from 1st August 1970 the transactions, dealing or contract in respect of any soap, article of toilet, cosmetic, detergent and perfume (hereinafter referred to as the said articles) shall not be made except in the manner prescribed below :—

- (a) if the said articles are in liquid form, they shall be sold by volume measure only, or
- (b) if the said articles are in any form other than the liquid form, they shall be sold by weight only.

Published in the *Gujarat Govt. Gazette* Part IV-A, No. 25,
dated June 18, 1970/Jyaishta 28, 1892.

INDUSTRIES, MINES AND POWER DEPARTMENT

No GU-151/MCR/2169/(41) 2768-Chh.—Sachivalaya, Gandhinagar,
12th June 1970.—In exercise of the powers conferred by section 15 of the **Mines and Minerals (Regulation and Development) Act 1957** (67 of 1957), the Government of Gujarat hereby makes the following rules further to amend the **Gujarat Minor Mineral Rules, 1966**, namely :—

1. These rules may be called the **Gujarat Minor Mineral (First Amendment) Rules, 1970**.

2. In the **Gujarat Minor Mineral Rules, 1966** (hereinafter referred to as “the said rules” in rule 31 after the words “granting a quarry lease” the words “and lessee or his transferee or assignee” shall be inserted.

3. In the said rules in rule 33, after the words “or assignee” the words “or private person granting a quarry lease” shall be inserted.

No. GU-152 MMR-19-13/(69)-2991-CHH.—Sachivalaya, Gandhinagar, 12th June 1970.—In exercise of the powers conferred by subsection (1) of section 15 of the **Mines and Minerals (Regulation and Development) Act, 1957** (67 of 1957) the Government of Gujarat hereby makes the following rules further to amend the **Gujarat Minor Mineral Rules, 1966**, namely, (Second Amendment) Rules, 1970.

2. In the **Gujarat Minor Mineral Rules, 1966** (hereinafter referred

to as "the said rules") for rules 29 the following rules shall substituted, namely:—

"20 *Transfer of quarry lease.*—(1) The lessee shall not without the previous consent in writing of the Director—

(a) assign, sublet or mortgage, or in any other manner transfer the quarry lease, or any right, title or interest therein or

(b) enter into or make any arrangement contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee.

(2) The consent given by the Director under sub-rule (1) shall not be effective unless the holder of the quarry lease makes payment to Government of a fee of rupees two hundred and fifty or $12\frac{1}{2}$ percent of the monetary consideration for transfer whichever is higher :

Provided that the conditions regulating the grant or holding of a quarry lease specified in sub-rule (1) of rule 6 and in rules 15 and 16 shall be applicable in the case of such transfer."

3. In part VII of Form D appended to the said rules, the following clauses shall be added, namely :—

"19 A(1) *Transfer of quarry lease.*—The lessee shall not without the consent in writing of the Director :—

(a) assign, sublet or mortgage or in any other manner transfer the quarry lease, or any right, title or interest therein, or

(b) enter into or make any arrangement contract or understanding whereby the lessee/lessees will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by any person or body of persons other than the lessee/lessees.

(2) The Director may, by order in writing, determine the lease at any time, if the lessee/lessees has/have in the opinion of Director committed a breach of any of the provisions contained in this clause, or has/have transferred the lease of any right, title or interest therein otherwise than in accordance with clause 19;

Provided that no such order shall be made without giving the lessee/lessees a reasonable opportunity of stating his/their case.

19-B. *Not to be financed or controlled by a Trust, Corporation, Firm or person.*—The lease shall not be controlled and the lessee/lessees shall not allow themselves to be controlled by any trust, syndicate, Corporation, Firm or person except with the written consent of the State Government. The lessee/lessees shall not enter into or make any arrangement compact or understandings whereby the lessee/lessees will or may be directly or indirectly financed by or under which the lessee/lessees' operations or undertakings will or, may be carried on directly or indirectly by or for the benefit of or subject to the control of any Trust, Syndicate, Corporation, Firm or person unless with the written sanction given prior to such arrangement, compact or understanding being entered into or made, of the State Government and any or every such arrangement compact, or understanding as aforesaid (entered into or made with such sanction as aforesaid) shall only be entered into or made and shall always be subject to any express condition binding upon the other party or parties thereto that it shall be terminable if so required in writing by the State Government and shall in the event of any such requisition being made be forthwith thereafter determined by the lessee/lessees accordingly."

CIVIL SUPPLIES DEPARTMENT

No. GTH-25 (A)/KSN-1170/2062/G.—Sachivalaya, Gandhinagar, 12th June, 1970.—In pursuance of paragraph (3) of sub-clause (b) of clause 2 of the **Kerosene (Fixation of Ceiling Prices) Order, 1970** the Government of Gujarat hereby empowers the Food Controller, Ahmedabad City, for the purposes of the said clause.

Published in the *Gujarat Govt. Gazette*, Part IV-B dated June 25, 1970/Asadha 4, 1892.

REVENUE DEPARTMENT

No. GHM-1468-M-REV-1070/25595-L —Sachivalaya, Ahmedabad-15, 18th April 1970.—In exercise of the powers conferred by sub-section (1) of section 152 of the **Gujarat Panchayats Act, 1961** (Guj. VI of 1962) the Government of Gujarat hereby—

(i) designates Deputy Collectors (Revenue) deputed to district Panchayats for the purposes of Chapter VI of said Act, and

(ii) confers on the Taluka Development Officers, District Development Officers and Deputy Collectors (Revenue), to exercise within their jurisdiction, the powers exercisable by the Collector, under the provisions specified in column 3 of the Schedule appended hereto of the enactments specified in column 2 of the said Schedule to the extent specified in column 4 of the said Schedule.

SCHEDULE

Sr. No.	Name of the Act	Section	Extent of Powers conferred
1	2	3	4
1.	Bombay Land Revenue Code 1879	104 to 143	All powers
2.	" "	148	"
3.	" "	152	"
4.	" "	153	"
5.	" "	154	"
6.	" "	155	"
7.	Bombay Land Revenue Code 1879	164	All powers in respect of only such processes as the Gram Panchayat or Nagar Panchayat as the case may be has power to resort to.
8.	" "	165	All powers in respect of such sales as the Gram Panchayat or Nagar Panchayat, as the case may be, has power to make.
9.	" "	176	All Powers.
10.	" "	186	All Powers.

Sr. No.	Name of the Act	Section	Extent of powers conferred.
1	2	3	4
1.	Bombay Land Revenue Code, 1879 as extended to the Kutch area of the State of Gujarat.	140 to 143	All Powers.

1	2	3	4
2.	" "	148	All Powers
3	" "	152	All Powers
4.	" "	153	All Powers
5.	" "	154	All Powers
6.	" "	155	All Powers
7.	Bombay Land Revenue Code, 1879 as extended to the Kutch area of the State of Gujarat	164	All powers in respect of only such processes as the Gram Panchayat or nagar Panchayat as the case may be, has power to resort to.
8.	" "	165	All Powers in respect of such sales as the gram Panchayat or nager Panchayat as the case may be, has power to make.
9.	" "	176	All Powers
10.	" "	186	All Powers.

No. GHM/529/M/LRR-1063/139458/L.—Sachivalaya, Ahmedabad-15, 18th February 1970 —In exercise of the powers conferred by section 214 of the Bombay Land Revenue Code, 1879 (Bom. V. 1879), the Government of Gujarat hereby makes the following rules further to amend the Land Revenue Rules, 1921 as adopted and applied in the Saurashtra area of the State namely :—

1. These rules may be called the **Land Revenue (Gujarat Second Amendment) Rules, 1970.**

2. In the Land Revenue Rules, 1921, for rule 14A, the following shall be substituted, namely :—

"14A. All non-agricultural assessments, rents and fines leviable under rules 43, 43A, 43B, 43C, 47, 80, 80A, 80AA, 80B, 81(1), 83(3), 82, 82A and 82AA, 90, 92, 93 and 99 to 102 shall first be calculated to the nearest paise at the rate (per hectare or otherwise) sanctioned upon the area chargeable; but if any sum so calculated—

(i) is less than 10 paise, shall be raised to 10 paise.

(ii) exceeds 10 paise and is not an exact multiple of 10 paise, shall be raised to the nearest multiple of 10 paise.

3. In the said rules, in rule 23 the words "of annas" shall be deleted.

4. In rule 26 of the said rules, in sub-rule (2)—

(a) in clause (a) for the figures and word "11/2 feet" the figures and word "45 centimetres" shall be substituted.

(b) in clause (b) for the figures and word "9 inches" the figures and word "10 centimetres" shall be substituted.

5. In rule 27 of the said rules—

(a) in clause (a) for the words "three feet" the words "ninety centimetres" shall be substituted;

(b) in clause (b) for the figures and word "21/2 feet", the figures and word "75 centimetres" shall be substituted;

(c) in clause (c)—

(i) for the figures and word "2 feet", the figures and word "60 centimetres" shall be substituted;

(ii) for the figures and word "5 feet", wherever they occur, the figures and words "150 centimetres" shall be substituted;

(iii) for the figures and word "4 feet", the figures and word "120 centimeters" shall be substituted;

(iv) for the figures and word "21/2 feet", the figures and word "75 centimeters" shall be substituted;

(v) for the figures and word "6 feet", the figures and word "180 centimeters" shall be substituted;

(d) in clause (d), for the figure and word "4 feet", the figures and word "120 centimetres" shall be substituted.

(e) in clause (e)—

(i) for the figures and words "1 foot square, or 21/4 feet in depth", the figures and words, "900 square centimeters 65 centimetres in depth", shall be substituted;

(ii) for the words and figures "less than 4 or more than 9 inches" the words and figures "less than 10 or more than 20 centimeters" shall be substituted;

(f) in clause (f), for the figures and words "2 feet long and 6 inches thick" the figures and words "60 centimetres long and 15 centimetres thick" shall be substituted.

(j) in clause (j), for the figures and words "2 feet high and 4 feet wide", occurring at two places, the figures and words "60 centimeters high and 120 centimetres wide" shall be substituted.

6. In rule 40 of the said rules, in clause (b) for the words "four annas per acres" the figures and words "60 paise per hectare" shall be substituted.

7. In rule 43 of the said rules in sub rule (4) in paragraph for the figures and word "2"-feet", the figures and word "6.1 metre" shall be substituted.

8. In rule 47-B of the said rules, in sub-rule (1), for the figure and word "8 annas", the figures and word "50 paise" shall be substituted.

9. In rule 70, of the said rules, for the figures and words "10 cubits of the foots," the figure and words "5 metres", shall be substituted.

10. In rule 70-D, of the said rules, for the letters, figures and words "Rs. 50 per annum per acre", the letters, figures and words "Rs. 125 per annum per hectare" shall be substituted.

11. In rule 82A, of the said rules, for the letters, words, and figures "Rs. 40 at the rate of Rs 40 per acre", the letters, words and figures "Rs. 40 at the rate of Rs. 100 per hectare" shall be substituted;

12. In rule 86-A, of the said rules—

(a) in clause (1) for the figure and words "2 pies per square yards", the figure and words "2 paise per square metre" shall be substituted.

13. In rule 140 of the said rules, for the words and letters "Received Rs. as fee for this certified copy" the words and letters "received Rs. paise..... as fee for this certified copy" shall be substituted.

14. In rule 140-A, of the said rules for the words and letters "Received Rs..... as fee for the true copy of the certified copy" the words and letter "Received Rs.... paise..... as fee for this true copy of the certified copy", shall be substituted.

15. In rule 142 of the said rules for the words "Naya paise" wherever they occur, the words "paise" shall be substituted.

16. In the said rules:—

(a) in form DD,—

(i) for the letter "Sq. yda.", the letters and words "sq. metres" shall be substituted;

- (ii) for the word "gunthas", the word are shall be substituted ;
- (b) in form JJ, for the words "square yards", the words "square metres" shall be substituted;
- (c) in form JJA, for the words "Square Yards" the words "square metre" shall be substituted ;
- (d) in form MM, in sub-paragraph (4) of paragraph 1 for the word "feet", the word "metres" shall be substituted ;
- (e) in form S for the letters "Rs.....as.....P", the letters and words "Rs..... ..paise", shall be substituted, and for the word "annas" the word "paise" shall be substituted.

Published in the *Gujarat Government Gazette*, Part I-A, Central Section, Ext., No. 53, dated April 30, 1970/Vaisakha 10, 1892.

PANCHAYATS AND HEALTH DEPARTMENT

No KP/1909(A)PRR. 43 (13)/70.-JH.—Sachivalaya, Ahmedabad-15, 30th April 1970.—In exercise of the powers conferred by section 323 of the Gujarat Panchayats Act, 1931 (Guj VI of 1962), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964, namely :—

1. These rules may be called the **Gujarat Gram and Nagar Panchayats Taxes and Fees (Amendment) Rules, 1970.**

2. In the Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964, for the Schedule annexed to Part II, the following shall be substituted, namely :—

"SCHEDULE

(See rule 7)

Rate of Tax on buildings and lands

	Minimum	Maximum
Rate of tax based on capital value.	20 paise per every rupees one hundred of the capital value or fraction thereof.	Rs. 120 paise per every rupees one hundred of the capital value or fraction thereof.
Rate of tax based on annual letting value.	2 1/2 per cent of the annual letting value.	15 per cent of the annual letting value."

Published in the *Maharashtra Government Gazette*, Part IV-B, No. 90, dated May 26, 1970/Jyaistha 5, 1892.

REVENUE AND FORESTS DEPARTMENT

No. UNF. 1667-R.—Sachivalaya, Bombay-32, 25th May 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Maharashtra Land Revenue Code (Amendment) Act, 1969** (Mah. IV of 1970), the Government of Maharashtra hereby appoints the 25th May 1970 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Government Gazette*, Part IV-B, dated June 4, 1970/Jyaistha 19, 1892

REVENUE AND FORESTS DEPARTMENT

Part IV-B-M. G. G. Sr. No. 263.

No ICH. 1069/4703 M-(Spl.).—Sachivalaya, Bombay-32, 20th May 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1970** (Mah. XXVII of 1970), the Government of

Maharashtra hereby appoints the 20th day of May 1970 to be the date on which the said Act shall come into force.

LAW AND JUDICIARY DEPARTMENT

Part IV-B—M. G. G. Sr. No. 258.

No. 12613/B.—Sachivalaya, Bombay-32, 12th May 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Legislature Members Salaries and Allowances (Amendment) Act, 1970** (Mah. XXIII of 1970) the Government of Maharashtra hereby appoints the 12th day of May 1970 to be the date on which the said Act shall come into force.

RURAL DEVELOPMENT DEPARTMENT

Part IV—BM G G. Sr. No. 260.

No. ZPE. 1070/15980-N.—Sachivalaya, Bombay-32, 15th May 1970.—The Government of Maharashtra hereby authorises the Collector (except the Collector of Bombay and Bombay Suburban District) under section 19 of the **Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961** (Mah. V of 1962, for the conduct of any election (including bye-election) under the said Act.

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING DEPARTMENT

Part IV-B—M.G.G. Sr. No. 257.

Deptt. No. BRA. 1870/20500-E.—Sachivalaya, Bombay-32, 19th May 1970.—In exercise of the powers conferred by the second proviso to sub-section (1) of section 6 of the **Bombay Rents, Hotel and Lodging House Rates Control Act, 1947** (Bom. LVII of 1947), the Government of Maharashtra hereby directs that in the area of Divanman Village in the Bassein Taluka of the Thana District, Part II of the said Act, shall, with effect from the date of publication of this notification in the Official Gazette, re-apply to premises let for the purpose of residence.

AGRICULTURE AND CO-OPERATION DEPARTMENT

Part IV-B—M.G.G., Sr. No. 252

Deptt. No. CDS 1069/8207-II-D.—Sachivalaya Annexe, Bombay-32, 6th May 1970.—In pursuance of the provisions contained in section 6 of the **Central Province and Berar Animal Preservation Act, 1949** (C. P. and Berar LII of 1949) the Government of Maharashtra hereby authorises the Regional Deputy Director of Animal Husbandry, Nagpur, for the purposes of that section.

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated June, 11, 1970/Jyaishta 21, 1892.

AGRICULTURE AND CO-OPERATION DEPARTMENT

Part IV-B—M.G.G., Sr. No. 269

Deptt. No. APM, 2969/17736-C-1.—Sachivalaya Annexe, Bombay-32, 20th May 1970.—In exercise of the powers conferred by section 59 of the **Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963** (Mah. XX of 1964), the Government of Maharashtra hereby exempts all the Collectors from the provisions of clauses (a) and (b) of sub-rule (1) of rule 6 of the **Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967**.

REVENUE AND FORESTS DEPARTMENT

Part IV B—M. G. & Sr. No. 285.

No. UNF. 1667-R—Sachivalaya, Bombay-32 30th May, 1970.—In exercise of the powers conferred upon it by clause (xxvii) of sub-section (2) of section 328 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and of all other powers enabling it in that behalf and in supersession of all previous rules made in this behalf and continued in force by virtue of the third proviso to section 336 of the said Code, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub section (1) of section 39 of the said Code, namely :—

1. *Short title*.—These rules may be called the **Maharashtra Land Revenue (Reduction, Suspension and Remission) Rules, 1970.**

2. *Definitions*.—In these rules, unless the context requires otherwise,—

(a) "Code" means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ;

(b) "current land revenue" means land revenue payable in respect of any land under section 170 of the Code ;

(c) "general calamity" means wide spread or general failure of crops in any revenue year caused by drought, floods, failure of rains of excessive or untimely rains, or any other natural calamity ; and includes total failure of crops due to land in any tract being left unsown because of any recent calamity, or an order made under any law by a competent authority ;

(d) "local calamity" means loss of, or damage to crops or other property in any locality in any revenue year occasioned by hail-storm, or fire, or caused by locusts, or by theft or mischief by unknown person and includes failure of crops by floods or any other causes specified in clause (c) ;

(e) "settlement" has the meaning assigned to it in Chapter VI of the Code ;

(f) "tract" means any part of a district.

3. *Reduction of land revenue*—(1) If during the currency of any settlement, there is such physical deterioration of the soil in any holding as to necessitate reduction of assessment, the holder thereof may apply to the Survey Officer in the district not below the rank of a District Inspector of Land Records for reduction assessment.

(2) On receipt of such application, the Survey Officer shall acknowledge it, and after making necessary inquiries, submit his proposals to the Settlement Commissioner and Director of Land Records through his immediate superior, if any.

(3) If the Settlement Commissioner and Director of Land Records is satisfied that in the circumstances reported, any reduction in the assessment of the holding applied for is necessary, he may by order sanction reduction in the annual assessment howsoever, that the amount does not exceed twenty rupees and inform the applicant in terms of the order. All cases where the reduction proposed in the annual assessment exceeds twenty rupees shall be submitted to the State Government for orders. The State Government, on receiving papers in any such cases, shall make such inquiries as it thinks to be necessary and pass such orders on the application as it deems fit and require the Settlement Commissioner and Director of Land Records to inform the applicant forthwith accordingly.

(4) Any reduction sanctioned under this rule shall take effect from the revenue year next following the date of the order sanctioning the reduction: and shall remain in force until the commencement of the term

4. *Estimate of failure of crops in any tract.*—If the Collector on hearing any reports has reason to believe that there has been such a failure of crops in any tract due to a general calamity as to make it probable that relief will be required, he shall cause early enquiries to be made into the condition of such tract, the degree of crop failure in each village or group of homogeneous villages therein and make anna valuation of the estimated out-turn of crops according to instructions of the State Government issued from time to time in this behalf.

5. *Scale of granting suspension.*—The Collector, on making local inquiries and ascertaining the degree of crop failure in any tract as aforesaid, may, subject to the provisions of rule 6, suspend—

(a) the whole of the land revenue payable by any person liable under section 168 in respect of his land in such tract if the estimated anna valuation of crops in such tract is four annas or less ;

(b) half of the land revenue so payable, if the estimated anna valuation of crops exceeds four annas but is less than six annas.

6. *Suspension conditional*—Suspension granted under these rules shall be conditional upon the payment of the amount of land revenue which is not suspended.

7. *Suspended land revenue when recoverable.*—No land revenue payable in respect of any land which has been suspended shall ordinarily be collected in the manner provided in rule 8 until the harvest of crops in such land in subsequent years (corresponding to the one which failed) has been reaped in the affected tract.

8. *Recovery of suspended land revenue*—Where any land revenue suspended in respect of any land in any year is not remitted under rule 9, then if the harvest of crops referred to in the preceding rule in any subsequent year is of the anna valuation specified in column 1 of the Table hereto the current land revenue payable in respect of such land and the suspended land revenue payable in respect thereof, shall be paid in full half or nil as indicated in columns 2 and 3 of that Table :—

TABLE

Anna Valuation of Crops	Proportion of Recoverable Land Revenue	
	Current	Suspended Land Revenue
1	2	3
11 annas and over	Full	Full
8 annas and less than 11 annas	Full	Half
6 annas and less than 8 annas	Full	Nil
Over 4 annas and less than 6 annas	Half	Nil
4 annas and less	Nil	Nil

9. *Remission of land revenue.*—All suspended arrears of land revenue which are either in excess of two years' land revenue or more than three years old shall ordinarily be remitted by the Collector irrespective of the monetary condition of any holder, the oldest arrears being remitted first.

10. *Remission on consequence of prohibitory orders.*—If crops could not be grown in any year in any area in consequence of an order made by a competent authority under any law for the time being in force, the Collector may by an order in writing grant remission—

(a) in whole, of the land revenue payable in respect of such area, if more than half such area allowed to remain fallow in such year was cultivated during the previous year,

(b) in part, of an amount equal to half of the land revenue payable in respect of such area, if less than half the area allowed to remain fallow was cultivated during the previous year.

11. *Relief in local calamities.*—(1) When the Collector is satisfied on inquiries made in any year in any tract that there has been a local calamity, he may after taking into account the resources of the owner of the crops affected by such local calamity by an order in writing—

(a) if there is a total loss of crops or extensive damage to other property grant remission in whole or in part, of land revenue in that year as he may deem proper after taking into consideration the circumstances of each case:

Provided that, the relief by way of remission in any district in any year shall not exceed one thousand rupees:

Provided further, that, the Collector may, with the previous sanction of the State Government, grant such remission in any district in any year of an amount exceeding one thousand rupees;

(b) in cases not falling under clause (a), grant suspension; in whole or in part of land revenue after taking into account the extent of loss occasioned by such calamity.

Explanation.—For the purposes of this sub-rule, the question or extent of damage or loss due to a local calamity in any tract in any year shall, subject to the provisions of the Code, be decided by the Collector.

(2) The provisions of rule 8 shall apply for recovery of land revenue suspended under clause (b) of sub-rule (1).

12. *Collector to furnish information to State Government about suspension and remission.*—The Collector shall furnish to the State Government information about suspension and remissions granted by him under these rules every year in the appended form

Note.—The powers of the State Government under section 78 of the Code to grant reduction of land revenue have been delegated to the Settlement Commissioner and Director of Land Records and the powers to grant suspension and remission of land revenue have been delegated to the Collectors under section 330-A of the Code under Government Notifications, Revenue and Forests Department, No. UNF-1667-(a)-R, dated the 25th May 1970:

FORM

DISTRICT.....

Statement showing the amount of land revenue suspended and remitted during the year.....

Serial No.	Name of Taluka	Total Number of Villages	Number of Villages where Annawaris—		Amount of Land Revenue suspended	Amount of Land Revenue remitted.
			4 annas and below	Above 4 annas and below 6 annas		
1	2	3	4	5	6	7
					(in Rs.)	(in Rs.)

Published in the *Maharashtra Govt. Gazette* Part IV-B, dated
July 16, 1970.

REVENUE AND FORESTS DEPARTMENT

Deptt. No. ICH. 2069/122774-M(Spl) - Sachivalaya, Bombay-32
24th June 1970.—Whereas clause (d) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961), provides that the lands held by a public trust where the major portion of the income is not appropriated for the purpose of education or medical relief, but an undertaking in the prescribed form is given, within six months from the appointed day, to the Collector that the major portion of the income of such land will within a period of two years from the appointed day, be appropriated to those purposes, shall be exempted from the provisions of the said Act;

And whereas, it has been brought to the notice of the State Government that certain public trusts have obtained lands or have come into possession of lands after the appointed day and that in the case of such trusts, the condition of the undertaking being given within six months of the appointed day cannot be fulfilled, or is not capable of being fulfilled;

And whereas a difficulty has consequently arisen in giving effect to the provision of clause (d) of sub-section (1) of section 47 aforesaid;

Now, therefore, in exercise of the powers conferred by section 49 of the Act the Government of Maharashtra makes the following order, namely :—

1. (1) This order may be called the **Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970**

(2) It shall come into force at once.

2. If a result of the acquisition by testamentary disposition, or by operation of law including by (or in the execution of, a decree or order of a court, tribunal or authority) by any public trust, the total area of the lands held by such trust exceeds the ceiling area (hereinafter referred to as "such land"), such a trust may, within six months of the date of its coming into possession of the land as is in excess of the ceiling area, give an undertaking to the Collector that the major portion of the income of such lands shall, within a period of two years from the said date, be appropriated for the purpose of education or medical relief.

3. Where a public trust has acquired such lands after the appointed day, but before the coming into force of this Order, such trust may give the undertaking referred to in clause 1 within six months from the coming into force of this Order.

4. The undertaking to be given under clause 2 or clause 3 of this Order shall be in the Form appended hereto.

5. The public trust which gives the undertaking within the period referred to in clause 2 or as the case may be, in clause 3, shall be held eligible for exemption under clause (d) of sub-section (1) of section 47 aforesaid, and any undertaking proposed to be given by any public trust under clause 2 or 3 shall be disposed of, accordingly.

FORM 'A'

(See clause 4 of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970.)

Undertaking to be given under clause (d) of sub-section (1) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act,

1951, by a public trust which comes into possession of land in excess of the ceiling area after the appointed day.

Whereas, the..... Trust has been established for the purpose of..... and the same having come into possession of lands on..... that is to say, after the appointed day, namely, 26th January 1962, now holds lands as specified in the schedule hereto;

And whereas, the major portion of the income from the said lands is not appropriated for the purpose of education or medical relief;

And whereas, the said trust desires that the said lands be exempted from the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1962, under clause (d) of sub-section (1) of section 47 of the said Act.

Now, therefore, we, that is, Sarvashri

..... the trustees of the said Trust hereby given an undertaking that on the said trust being given certificate of exemption under sub-rule (3) of rule 15 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962, read with the Maharashtra Agricultural Lands (Ceiling on Holdings) (Lands of Public Trusts) Removal of Difficulties Order, 1970, shall take all necessary legal and other steps and ensure that the major portion of the income from the said lands will, within a period of two years from..... 1970 be appropriated for the purpose of education or medical relief.

Dated the

day of

19

Signature of trustees.

Signatures of two witnesses.

SCHEDULE

Details of lands held by the Trust

District	Taluka or Tehsil	Village	Survey No. and Hissa No.	Area	Assessment
H.A. (A.g.)					

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated

July 9, 1970/Asadha 18, 1892.

REVENUE AND FORESTS DEPARTMENT

Part IV-B.—M.G.G. No. 341.

No. ICH. 1670/69329-M(Spl.)—Sachivalaya, Bombay-32, 19th 1970.—In exercise of the powers conferred by clause (6) of section 2 of the **Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961** (Mah. XXVII of 1961), the Government of Maharashtra hereby empowers the Leave Reserve Deputy Collector, in the Collector's Office, Bombay Suburban District, Bombay, to exercise the powers and perform the functions of the Collector by or under the said Act, in the said District.

Published in the *Maharashtra Govt. Gazette*, Part I-A, dated July 9, 1970/Asadha 18, 1892.

• **FOOD AND CIVIL SUPPLIES DEPARTMENT**

Part IV-A—M.G.G. Sr. No. 196.

No. ECA. 1770-F.—Sachivalaya Annexe, Bombay-32. 30th June, 1970.—In exercise of the powers conferred by sub-section (1) read with clauses (c), (e), (i) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G S.R. 1111, dated the 24th July 1967, and the Orders of the Government of India in the Ministry of Commerce, No. S.O. 1844, dated the 18th June 1966, and No. S.O. 2314, dated the 30th July 1966, and with the prior concurrence of the Central Government the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Scheduled Articles (Display and Marking of Prices) Order, 1966 namely :—

1. This Order may be called the **Maharashtra Scheduled Articles (Display and Marking of Prices) (Amendment) Order 1970**.

2. In the Maharashtra Scheduled Articles (Display and Marking of Prices) Order, 1966, in schedule I, after the entry 39, the following entry shall be added, namely :—

“40. Tyres and Tubes of Cycle Rickshaw.”

Part IV-A—M.G.G. Sr. No. 197

No. ECA. 2268/26579-F.—Sachivalaya Annexe, Bombay-32, 2nd July 1970.—In pursuance of clause 10 of the Maharashtra Foodgrains Rationing (Second) Order, 1966, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Regulations further to amend the Maharashtra Foodgrains Rationing (Second) Regulations, 1966, namely :—

1. These Regulations may be called the **Maharashtra Foodgrains Rationing (Second) (Second Amendment) Regulations, 1970**.

2. In Form VII appended to the Maharashtra Foodgrains Rationing (Second) Regulations, 1966, in condition 7. for the portion beginning with the words “If it is intended” and ending with the words “to hold the authorisation” the following shall be substituted, namely :—

“If it is intended to admit a new partner or if any of the partners desires to retire, previous notice thereof shall be given to the Controller. If any new partner is admitted or if any of the partners dies or is expelled or otherwise ceases to be a partner notice thereof also shall be given to the Controller, within seven days from the date on which the new partner is admitted or any existing partner ceases to be a partner. On receipt of any such notice or suo-motu, after making such inquiry as may be deemed necessary, it shall be lawful for the State Government or the Controller of Rationing either to continue the Authorisation or, after giving an opportunity to be heard, to discontinue the same forthwith, if in its or his opinion, with the change in the constitution of the firm, the firm is not suitable to hold the authorisation”.

Part IV-A—M.G.G. Sr. No. 198

No. UNSVI 1069/1411-B.—Sachivalaya Annexe, Bombay-32, 3rd July 1970.—In exercise of the powers conferred by clause 4 of the Sugarcane (Control) Order, 1955, read with the order of the Government of India in the Ministry of Food and Agriculture (Department of Food), No. GSR. 263/Ess. Com/Sugarcane, dated the 20th February 1964 and

clause 12 of the Sugarcane (Control) Order, 1966, the Government of Maharashtra hereby repeals the Maharashtra Gur and Khandsari Manufacturers Licensing Order, 1965.

Published in *Maharashtra Govt. Gazette*, Part IV-B, dated
July 16, 1970/Asadha 25, 1892

INDUSTRIES AND LABOUR DEPARTMENT

Part IV-B—M.G.G., Sr. No. 343

Deptt. No. IDC-2168/38114-Ind-I—Sachivalaya, Bombay-32 7th July 1970.—In Government Notifications, Industries and Labour Department No IDC 2168/30242 Ind-I; dated 20th May 1970; published at page 729 in Maharashtra Government Gazette, Part IV-B, dated 4th June 1970, the date from which chapter VI of the **Maharashtra Industrial Development Act, 1961**, shall apply should be the 17th July 1970.

HOME DEPARTMENT

Part IV-B—M.G.G., Sr. No. 347

No. FLR. 1068/5945-III.—Sachivalaya, Bombay 32, 6th June 1970.—In exercise of the powers conferred by clauses (b), (hl), (iii), (iv) and (vi), (k) and (12) and (13) of sub-section (2) of section 143 of the Bombay Prohibition Act 1949 (Bom XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 143 namely :—

These rules may be called the **Maharashtra Foreign Liquor (Sale on Cash, Register of Sales etc.) Amendment Rules, 1970**.

2. After rule 4 of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales etc.) Rules, 1969, the following proviso shall be added, namely —

“Provided that, the holder of a Trade and Import licence may sell foreign liquor on credit”

HOME DEPARTMENT

Part IV-B—M.G.G., Sr. No. 348

No BOH. 5361/87031-VII.—Sachivalaya, Bombay-32 BR, 18th June 1970 —In exercise of the powers conferred by sub-section (1) and clauses (b) (d), (e), (f), (g) and (h) of sub-section (2) of section 25 of the Bombay Habitual Offenders Act, 1959 (Bom. LXI of (1959), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Habitual Offenders Rules, 1960, namely :—

1. These rules may be called the **Maharashtra Habitual Offenders (First Amendment) Rules, 1970**.

2. In rule 36 of the Maharashtra Habitual Offenders Rules, 1960 (hereinafter referred to as ‘the principal rules’) for the portion beginning with the brackets, figure and words “(i) formal warning” and ending with the words, letters and figure “not exceeding Rs. 25” the following shall be substituted, namely :—

- (i) formal warning to be recorded in history sheets,
- (ii) requiring him to furnish a bond with or without personal or cash sureties in an amount not exceeding Rs. 25.
- (iii) stoppage of wages,
- (iv) fine not exceeding Rs. 10.”

3. In rule 45 of the principal rules, in sub-rule (4), for the words brackets and figures "clauses (i) to (vi)" the words, brackets and figures "clauses (i) to (iv)" shall be substituted.

4. In Form B appended to the principal rules,—

(a) the following shall be deleted, namely :—

"Caste....."

Sub-caste.....

(b) the following shall be added at the end, namely :—

"Commissioner of Police, Bombay.

Superintendent of Police....."

5. In Form C appended to the principal rules, the word, "Caste" and the words "same as on the left side" shall be deleted.

6. In form D appended to the principal rules, for the entry "4. Caste and Sub-Caste"; the following shall be substituted, namely :—

"4. Registration number"

7. In form E appended to the principal rules, the word "Caste" and the words "same as on the left side" shall be deleted.

8. In form F appended to the principal rules, the entry "4. Caste and Sub-Caste... ..", shall be deleted

9. In form H appended to the principal rules, the following shall be deleted, namely :—

"Caste"

By order and in the name of the Governor of Maharashtra,

J. R. CABRAL,

Deputy Secretary to Government.

These rules were last amended by Government Notification, Home Department No BOH. 5361/87031-XXII, dated the 15th July 1969, published at pages 1046-1048 of *Maharashtra Government Gazette*, Part IV-B, dated the 7th August 1969

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated July

23 1970/Sravana 1, 1892.

HOME DEPARTMENT (SPECIAL)

Part IV-B—M. G. G., Sr. No. 372

No. SBII/EXT. 3870.—Sachivalaya, Bombay-32, 25th June 1970.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Police (Amendment) Act, 1970** (Mah. XXIX of 1970), the Government of Maharashtra hereby appoints the 1st day of July 1970, as the date on which the said Act shall come into force.

REVENUE AND FORESTS DEPARTMENT

Part IV-B—M.G.G. Sr. No. 376

No. PWR. 4263/41326-C.—Sachivalaya, Bombay-32, 26th June 1970.—In exercise of the powers conferred by section 9 of the **Maharashtra Land Revenue Code, 1966** (Mah. XLI of 1966), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby confers upon the Tahsildars for Recovery of Sales Tax Dues in the Aurangabad, Bhir, Nanded, Osmanabad and Parbhani districts, the powers and duties of the Collector to the extent mentioned in columns (1) and (2) of the Table appended hereto, for the purpose of recovery of Sales Tax dues as an arrears of land revenue arising within the areas of the district concerned.

Table

Section of the Code.

Extent of Power

(1)

(2)

176

Determination as to what property is exempt from distraint and sale.

- | | |
|-----|---|
| 178 | Issue of Notices. |
| 180 | Distrain and sale of movable property. |
| 192 | Issue of proclamation of sale of immovable property |
| 193 | Determination of the other manner of publication of notices of sale |
| 212 | Putting the purchaser into possession of the property and grant of certificate of purchase. |
| 218 | Decision of all claims. |

IRRIGATION AND POWER DEPARTMENT

Part IV-B—M.G.G., Sr. No. 377

No. IRS. 1070 I(4)—Sachivalaya, Bombay-32 (BR), dated the 3rd June 1970.—In exercise of the powers conferred by sub-section (1) of section 56-E of the **Bombay Irrigation Act, 1879** (Bom. VII of 1879), the Government of Maharashtra hereby fixes for the period beginning with 1st July 1970 and ending on the 30th June 1971.

1. Rs. 30.00 per acre per annum as the rate at which the irrigation cess payable in respect of lands under sugarcane or equivalent perennial crops under irrigable command of a canal shall be paid

2. Rs. 15.00 per acre per annum as the rate at which the irrigation cess payable in respect of lands under other perennial crops under the irrigable command of a canal shall be paid,

3. Rs. 10.00 per acre per season as the rate at which the Irrigation Cess payable in respect of lands under sugarcane or equivalent perennial crops under the irrigable command of a canal receiving water for only

4. Rs. 5.00 per acre per season as the rate at which the Irrigation Cess payable in respect of lands under other perennial crops under irrigable command of a canal receiving water for only one or two seasons and not during the full year shall be paid.

5. Rs. 3.00 per acre as the rate at which the irrigation cess payable in respect of eight month blocks for whole area of the block under irrigable command of a canal shall be paid.

6. Rs. 3.00 per acre per season as the rate at which the irrigation cess payable in respect of lands other than those mentioned in items (1) to (5) above under the irrigable command of a canal shall be paid.

Published in the *Maharashtra Govt. Gazette* Part IV-B, dated

July 23 1970/Srawana 1, 1892 pages 933—940

REVENUE AND FORESTS DEPARTMENT

Part IV-B—M.G.G., Sr. No. 382

No. UNF 2867-R—Sachivalaya, Bombay-32, 6th July 1970—In exercise of the powers conferred by sub-section (1) and clauses (xxvii), (lxi) and (lxii) of sub-section (2) of section 328, read with sections 75, 239 and 327 of the **Maharashtra Land Revenue Code, 1966** (Mah. XLI of 1966), and all other powers enabling it in that behalf, and in supersession of all previous rules made in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 328 of the said Code namely :—

RULES

1. *Title*.—These rules may be called the **Maharashtra Land Revenue Inspection, Search and Supply of Copies of Land Records) Rules 1970**.

2. *Inspection of records.*—All documents, plans, maps, registers, accounts and records including land records (hereinafter referred to as "records"), the right of inspection of which is provided for in sections 239 and 327 of the Code, shall with the permission of the officer-in-charge of the same, be open to inspection in his office during the usual office hours every day, except Sunday and public holidays; on payment of fees hereinafter prescribed.

3. *Application for inspection.*—(1) Any person desiring to inspect any records shall, himself or through his recognised agent, make an application for such inspection to the officer-in-charge of such records stating therein the particulars about the records, and the purpose for which the inspection is sought.

(2) On receipt of an application under sub-rule (1), the officer-in-charge of the records shall grant the permission, unless the application is rejected under sub-rule (3).

(3) If the officer-in-charge of the records (not being a Talathi) considers that the records of which inspection is sought, are of a confidential nature or that the inspection would be prejudicial to public interest, he may record an order rejecting the application for inspection. And where a Talathi is in charge of such records, he shall refer the application for the orders of Tehsildar.

4. *Fees for inspection.*—The fees for inspection of records shall be pre-paid in cash in accordance with the rate as provided in the schedule hereto.

SCHEDULE

Serial No.	Category of records	Fees
1	2	3
1	Records pertaining to the City of Bombay	Rs. 15 for every day or a part thereof.
2	Records pertaining to an area other than the City of Bombay—	
	(a) in charge of an officer of and above the rank of a Naib-Tahsildar.	Rs. 2 for every hour or a portion thereof.
	(b) in charge of an officer below the rank of a Naib-Tahsildar.	Rs. 1 for every hour or a portion thereof.

Provided that, no fees for inspection shall be charged to Government Officers or other persons duly authorised in this behalf for Government purposes; or to an officer of the Court of Wards for the purposes of that Court; or to officers of any local authority for the purposes of such authority or to officers of co-operative societies for the business of the society.

5. *Inspection to be made under directions of officer.*—The inspection shall be made at such time, in such place and in the presence of such official as the officer-in-charge of the records, may direct.

6. *Inspection how to be made.*—(1) No person who is permitted to inspect the records under these rules shall during such inspection use pen and ink or make any marks or alterations on the records inspected or extract any papers therefrom. He shall return the record so inspected in their original condition when the inspection is over. He may, during the

inspection, himself or through his recognised agent, make in pencil a copy of the records or any portion thereof, inspection of which is permitted; but a copy so made shall not be certified by any officer.

(2) Any person infringing this rule shall be deprived of the right of inspection for such period as the officer-in-charge of the records may direct, and in addition, be punishable with such fine not exceeding two hundred rupees as the Collector may, after giving such person an opportunity to be heard, deem fit to impose.

7. *Fees for search when to be charged.*—When an application is made for inspection or copy of any records and such application does not distinctly describe the number, date nature of the record required, or if the description given in such application is incorrect, and it shall, in consequence, be necessary for the officer-in-charge of the record to search his records in order to find the required records, a fee at the rate provided in the Schedule hereto shall be payable in cash by the applicant in advance for such search whether the inspection or copy for which he applies, on examination of the said record by the said officer, be granted or not.

SCHEDULE

Serial No.	Category of records.	Fees.
1	2	3
1.	Records pertaining to the City of Bombay	Rs. 15 for every day or part thereof.
2.	Records pertaining to an area other than the City of Bombay—	
	(a) records of alienated lands maintained under section 75 of the Code.	Rs. 5 for every bundle (rural) searched.
	(b) any other records	Rs. 2 for every year of which records are searched.

8. *Supply of certified copies.*—Certified extracts from or copies of records may be obtained with the permission of the officer-in-charge of the records, on payment of fees and additional fees for scaled off perimeter measurements, hereinafter prescribed :

Provided that, no copy shall be granted of any record which has been printed or lithographed and published under the authority of the State Government and is on sale.

Explanation.—For the purposes of this rule, printed or lithographed matter not covered by the proviso shall be treated as matter copied.

9. *Application for copies.*—(1) Any person desiring to have a copy of any record shall, himself or through his recognised agent, make an application to the officer-in-charge of the record stating therein the particulars of the records and the purpose for which copy thereof is required.

(2) On receipt of an application under sub-rule (1), the officer-in-charge of the record may grant the request, unless it is rejected under sub-rule (3).

(3) If the officer in-charge of the record (not being a Talathi) considers that the record, of which a copy is applied for is of a confidential nature, or that the supply of the copy would be prejudicial to the public interest, he may record an order rejecting the application. Where a Talathi is in charge of such record, he shall refer the application for the orders of the Tahsildar.

10. *Supply of true copies of certified copies*—Subject to the provisions of rules 8 and 9, every officer-in-charge of a certified copy of any records shall on an application made to him by any person prepare and give to him a true copy of such certified copy of the record under his own signature on payment of the fees hereinafter prescribed. On every such copy it shall be clearly stated by such officer that it is a true copy of the certified copy of the record.

11. *Receipt to be endorsed on copy*—One every certified copy or extract or true copy of certified copies or extracts granted under these rules there shall be endorsed by the officer who receives the fees for the same, a receipt in the following form :—

Received Rs.....paise.....as fee for this certified copy.
Dated.....

(Signed).....

12 *Fees for copies*.—The fees for certified copies of any record shall be prepaid in cash in accordance with the rates as provided in the Schedules A and B hereto, namely :—

SCHEDULE A

For areas other than the City of Bombay

Serial No.	Category of records	Fees
1	2	3
1	Every certified copy of a serial number or entry in the record of rights, register of mutations and from the registers, accounts and records other than maps maintained by a Talathi under Sub-section (4) of section 14 of the Code.	Re. 0.50 paise
2	Every certified copy of an entry in the register of property maintained by a Survey Officer under section 128,	Re. 0.50 paise
3	(i) Every certified copy of the tabular annewari statement of a village with the annewari decision worked out therein. (ii) Every certified copy of the decision of the Collector or Tahsildar not embodied in the statement of annewari, or of the opinion of the village committee as to the anna valuation.	Re. 1, Re. 0.50 paise
4	Every certified extract from a register of alienations established or recognized under the provisions of any law for the time being in force.	Ten paise for every rupee of the amount of alienated revenue subject to the minimum of Rs. 2 and maximum of Rs. 15.
5	Every certified copy of a map or plan of a survey number or a sub-division of a survey number or of any (uncoloured) map or plan of any immovable property referred to in clause (a) of section 153 of the Code.	One rupee for every survey number or sub-division of a survey number subject to the minimum of Rs. 2

Serial No.	Category of records	Fees.
1	2	3
6	Every certified copy of a map of a survey number or of a sub-division of a survey number or of any ordinary (un-coloured) map or plan of any immovable property prepared in accordance with the survey made under section 79 of the Code.	Rs. 2 for every survey number or a sub-division of a survey number.
7	Every certified copy of a map or plan of a non-agricultural survey number or a sub-division of such a survey number or of an extract of city survey map (prescribed) under section 128 of the Code—	
	(i) in the Bombay Suburban District	Rs 5 for every survey number or a sub-division of a survey number.
	(ii) in areas other than the Bombay Suburban District.	Rs 2 for every survey number or a sub-division of a survey number.
8	For showing the scaled off perimeter measurements on any certified copy of the map of a survey number or sub-division of a survey number prepared under items 5, 6 and 7.	
	(i) if applied for at the time of measurement of the survey number of sub-division of a survey number.	
	(ii) if applied for at any time thereafter. Re. 1.	Re. 0. 50 paise.
9	Every certified copy of a map or plan or of any portion of a map or plan not falling under items 5, 6 and 7.	Such fee not exceeding Rs. 20 and not less than Rs 3 as the Officer who certifies the copy shall determine:
		Provided that no fee exceeding Rs. 10 shall be charged by an Officer subordinate to a Collector except with the permission of the Collector or by a Survey Officer subordinate to a Superintendent of Land Records, except with the permission of such Superintendent

1	2	3
10	For every certified copy of records not falling under items 1 to 9— (i) for every sheet of paper, 30×21 C.Ms in dimensions, handwritten or typed with double spacing. (ii) if such record be in tabular form.	Rs 2 for every sheet of paper or part thereof. Twice the rate specified in clause (i) of this item. ...The same fee as for a certified copy.
11	For every true copy of a certified copy ..	
12	For every authenticated translation of orders, and (he reasons therefore and to exhibits in formal or summary enquiries under the Code— (i) for the first 100 words or fraction of 100 words (ii) for every subsequent 100 words or fraction of 100 words.	Rs. 2. Rs. 1.

SCHEDULE B
For the City of Bombay.

Serial No.	Category of records	Fees
1	Every certified copy of a map or plan other than revenue survey plan of an area— (a) below 100 square metres (b) between 100 and 500 square metres (c) between 500 and 1,000 square metres (d) between 1,000 and 3,000 square metres (e) between 3,000 and 10,000 square metres (f) between 10,000 square metres and above	Rs. 10. Rs. 12. Rs. 14. Rs. 17. Rs. 25. Rs. 35.
2	Every certified copy of a revenue survey map or plan of an area— (a) below 100 square metres (b) between 100 and 500 square metres (c) between 500 and 1,000 square metres (d) between 1,000 and 3,000 square metres (e) between 3,000 and 10,000 square metres (f) 10,000 square metres and above	Rs. 11. Rs. 13. Rs. 15. Rs. 18. Rs. 30. Rs. 40.
3	Every certified copy of an extract from a Survey Register, Rent Roll, Reference Book and Transfer Schedule.	Rs. 5.00 for each entry.
4.	Certified copy of records not falling under items 1, 2 and 3— For every sheet of paper, 30×21 C.Ms. in dimensions or a portion thereof hand-written or typed with double spacing.	Rs. 4.
13.	Cost of paper and printed form.—In addition to the copying fees chargeable under rule 10, the application shall pay charges for	

paper, printed form, drawing paper, tracing paper or cloth used for purposes of copying at the rate from time to time fixed by the State Government in that behalf.

14. *Stamp duty or court-fee payable in addition.*—Nothing in these rules shall effect the provisions of the Bombay Stamp Act, 1958 (Bom. LX of 1958), or the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), and accordingly the stamp duty or court-fee with which an application, copy or extract made or furnished under those rules may be chargeable is in addition to the fees prescribed by or under these rules.

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Asadha 25, 1892

HOME DEPARTMENT

No. G/G/1878/MVA/2969/48222/E.—Sachivalaya, Gandhinagar, 18th June 1970—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 70 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Gujarat Second Amendment) Rules 1970.**

2. In rule 199 of the Bombay Motor Vehicles Rules, 1959 after sub-rule (2) of the following sub-rule shall be inserted, namely :—

“(3) The floor boards of motor cabs shall be covered with suitable matting”.

No. G/G/1877/MVR-1469-6505-E.—Sachivalaya, Gandhinagar, 24th June 1970.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 70 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of Section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Gujarat Third Amendment) Rules 1970.**

2. In rule 182 of the Bombay Motor Vehicles Rules, 1959, in sub-rule (1) after the first proviso the following proviso shall be inserted, namely :—

Provided further that the State Government may, by notification in the *Official Gazette*, vary the above measurements in respect of specified class of public service vehicles”.

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1970/Asadha 25, 1892

EDUCATION AND LABOUR DEPARTMENT

No. GH-SH-1579(A)-BPA-1167-3849-III-P.—Sachivalaya, Gandhinagar, 7th July 1970—Whereas the Government of Gujarat considers that the amendment hereinafter appearing should be brought into force at once;

Now, therefore, in exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Gujarat hereby makes the following rules further to amend the Bombay Rectified Spirit Rules, 1951, namely :—

1 These rules may be called the **Bombay Rectified Spirit (Gujarat 1st Amendment) Rules 1970.**

2. In the Bombay Rectified Spirit Rules, 1961 (hereinafter referred to as "the said rules") after rule 2, the following new rule shall be inserted, namely :—

"2A. These rules shall not apply to the manufacturers of the Medicinal toilet preparations containing alcohol in bond":

3. In sub-rule (4) of rule 4 of the said rules, the words beginning with "and, where the applicant desires to use rectified spirit for the manufacture" and ending with the words "the number and date of such licence" shall be deleted.

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AGRICULTURE AND CO-OPERATION DEPARTMENT

No. GHKH/568/DPA/1270/2044 'B.—Sachivalaya Gandhinagar, 29th June 1970.—In exercise of the powers conferred by sub-section (3) of Section 3 of the **Gujarat Co-operative Societies Act, 1961** (Guj. Act X of 1962), the Government of Gujarat hereby confers on the Assistant Registrar of Co-operative Societies (Money Lending) Bhavnagar, all the powers of the District Registrar of Co-operative Societies, Bhavnagar, under the said Act from 16th April 1970 until further orders.

Published in the *Gujarat Govt. Gazette* Part IV-B No. 24. dated June 11, 1970/Jyaistha 21, 1892.

REVENUE DEPARTMENT

No. GHM 1753/M/RGN. 1662/26118-H.—Sachivalaya, Ahmedabad-15, 19th May, 1970.—The following table of fees prepared by the Government of Gujarat in exercise of the powers conferred by section 78 of the Registration Act, 1908 (XVI of 1908) and in supersession of the Table of Fees published under.

(i) Government of Bombay, Revenue Department, Notification No. 2720/45 (A) dated 1st October, 1946.

(ii) Government of Bombay Revenue Department, Notification No RGN-1558/201773-N, dated the 26th December, 1958.

(iii) Notification number 189/49, dated the 23rd November, 1949 issued by the Chief Commissioner for Kutch, and

(iv) Any other notification for the time being in force is hereby published as required by section 79 of the said Act.

Table of Fees

1. (i) This article shall apply to those documents on which registration fees is leviable on an advalorem scale on the amount or value of the consideration or of the property to which the document relates.

(2) The registration fee on the following documents shall be levied on an odvalorem scale on the amount or value of the consideration.

Acknowledgement (not being of the nature described in Article III) Agreement for consideration (see Note 6), Annuity-Bonds (See Notes 5) Award, Bond, Bill of Exchange, Bill of Sale, Leason (See Note 4 and 7) Instrument of Assignment, Conveyance Mortgage (See Notes 1 and 2 below), Release for consideration (not being of the nature described in Article III), Sale, Transfer, any certified copy of a decree or order of Court.

(3) The registration fee on the following documents shall be levied on an advalorem scale on the amount or value of the property. •

Composition Deed, Gift, Partition (See Note 3 below), Partnership Deed, Settlement Declaration of trust, Release other than one falling under (2) above or article III.

(4) The advalorem scale shall be :—

(a) if the amount or value of the consideration or of the property to which such instrument relates, is wholly expressed therein.

	Rs. P.	
When the amount or value does not exceed Rs. 200	3.00	
When the amount or value exceeds		
Rs. 200 but does not exceed	Rs. 400	4.50
do do 400 do 600	...	6.00
do do 600 do 800	...	7.50
do do 800 do 1000	...	10.00
do do 1000 do 1500	...	15.00
do do 1500 do 2000	...	20.00
do do 2000 do 2500	...	22.50
do do 2500 do 3000	...	25.00
do do 3000 do 3500	...	27.50
do do 3500 do 4000	...	30.00
do do 4000 do 4500	...	32.50
do do 4500 do 5000	...	35.00
For every Rs. 1,000 or part thereof in excess of Rs. 5000	...	5.00

(b) If such amount or value is only partly expressed, the same advalorem fee as above on the amount or value which is expressed and an additional fee of Rs. ... 10.00

(c) If such amount or value is not expressed at all, a fixed fee as under :—

(i) In respect of immoveable properties situated in the City of Ahmedabad, the city of Baroda, and the city of Surat as constituted under the Bombay Provincial Municipal Corporation Act 1949, and the Cantonment of Ahmedabad. ... Rs. 150.00

(ii) In respect of immoveable properties situated within the limits of Borough Municipalities. ... Rs. 100.00

(iii) In respect of all other properties. ... Rs. 50.00

Note 1—Where property subject to a mortgage is sold to the mortgagee of the difference between the purchase money and the amount of the mortgage in respect of which fee has already been paid shall be considered as the amount of consideration for the deed of sale provided the mortgage deed is proved to the satisfaction of the registering officer to have been duly registered, and the fact of such registration is noted in the deed of sale. When there is no difference between the purchase money and the amount of mortgage the fee leviable shall be Rs. 3-00.

Note 2—The fee leviable upon a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principal or primary mortgage is proved to the satisfaction of the registering officer to have been duly registered shall be the same as for the principal or primary mortgage if the same does not exceed Rs. 10-00 otherwise it shall be Rs. 10-00.

Note 3—In the case of an instrument of partition the value of the separated share or shares on which stamp duty is leviable shall be deemed to be the amount or value of the property to which such instrument relates.

Notes 4.—In the case of leases, the amount or value of the consideration on which the advalorem fee is to be assessed, shall be as follows :—

Where the rent is fixed and no fine The fee will be assessed on-
or premium is paid or money ad-
vanced., then if the lease is granted.

(a) for a period less than a year. The total sum payable under the lease.

(b) For a period not less than one year but not more than ten years. The average annual rent reserved.

(c) For a period in excess of ten years but not more than thirty years. Twice the amount of the average annual rent reserved.

(d) For a period in excess of thirty years but not more than 98 years. Thrice the amount of the average annual rent reserved.

(e) For a period in excess of ninety eight years. Five times the amount of the average annual rent reserved.

(f) in perpetuity ... One fifth of the whole amount of rent which would be payable in respect of the first fifty years of the lease.

(g) For an indefinite period The average annual rent which would be payable for the first ten years if the lease is continued so long

(2) Where no rent is fixed but the lease granted in consideration of a fine or premium or money advanced only. The amount of such fine or Premium or money advanced.

(3) Where the lease is granted for a fine or premium or money advanced in addition to rent reserved. The amount of fine or premium or money advanced in addition to the fee which would be payable on such lease if no fine or premium were paid or money advanced.

N. B.—If a patta or lease be given to a cultivator and the Kabu-
layat or counterpart of such patta or lease be registered in the same
office and on the same day as the patta or lease the fee chargeable in
respect of the two documents shall not be greater than the fee which
would have been charged on the lease alone.

Notes 5.—In case of an instrument executed to secure the payment
of an annuity or other sum payable periodically, or where the considera-
tion for a conveyance is an annuity or other sum payable periodically,
the amount or value of the consideration on which the advalorem fee is
to be assessed, shall be as follows :—

Where the sum is payable :— The fee will be assessed on :—

(a) for a definite period. The total amount to be paid during the period.

(b) In perpetuity or for an indefinite time not terminable with any life in being. The total amount payable during the first twenty years calculated from the date on which the first payment becomes due.

(c) For an indefinite time terminable with any life in being at the date of such instrument or conveyance. The total amount payable during the first twelve years calculated from the date on which the first payment becomes due.

Notes 6.—In the case of service bonds and agreements for the hire of moveable property, the amount or value of the consideration, on which the advalorem fee is to be assessed, shall be as follows :—

If the service bond or agreement is granted :— The fee will be assessed on :—

- | | |
|---|--|
| (1) For a period of a year or less. | The total amount payable under the service bond or agreement. |
| (2) for a definite period—exceeding one year. | The average annual amount to be paid during the period. |
| (3) For an indefinite period. | The average annual amount to be paid during the first ten years. |

Notes 7.—If in any case the rent, remuneration or hire is payable partly in money and partly in kind and the money value of the portion payable in kind is not expressed, the fee shall be charged at twice the amount of the advalorem fee chargeable in respect of the amount payable in money; e. g. if the advalorem fee chargeable on the amount payable in money is Rs 5 00, the total fee leviable in respect of the document would be Rs. 5.00 on the money value + Rs. 5.00 for the payment in kind, and if the rent or remuneration is payable entirely in kind and the money value thereof is not expressed a fixed fee of Rs. 10. 00 will be charged.

Notes 8.—The fee on any instrument comprising or relating to several district matters shall be the aggregate of the fees with which separate instruments each comprising or relating to one of such matters, would be chargeable.

Notes 9.—An instrument so worded as to fall under the category of two or more kinds of documents, shall when the fees chargeable thereunder are different, be charged with the highest of such fees.

Notes 10. (1)—In the case of documents purporting or operating to effect a contract for the Sale of immoveable property, and

(a) not containing a recital that the possession of the property has been delivered to the person contracting to buy, an advalorem fee on the amount or value of the purchase money subject to the maximum of Rs. 5 shall be charged on the document. A document purporting or operating to effect a sale of the said property executed in pursuance of the said contract shall be subject to an advalorem fee on the amount or value of the purchase money;

(b) Containing a recital that the possession of the property has been delivered to the person contracting to buy, an advalorem fee on the amount or value of the purchase money shall be charged on the document. The document purporting or operating to transfer by way of Sale the said property executed in pursuance of the said contract shall be treated a supplementary document and shall be subject to an advalorem fee on the amount or value of the purchase money subject to a maximum of Rs 5-00 P.

(2) Except as otherwise provided in this Article, the provisions of clause (1) shall, so far as may be, apply to documents which purport to be or to operate as agreements for the transfer of any right, title or interest in immoveable property, otherwise than by way of sale, and to documents which purport or operate to effect such transfers and executed in pursuance of such agreements.

Note 11.—No fee shall be payable in respect of the registration of a document relating to immoveable property which has already been registered in a wrong registration office and on which proper fee has been paid under this Article.

Note 12.—No fee shall be payable in respect of the registration of the following documents namely :—

1. A certificate granted by the Tribunal under :—

(a) sub-section (3) of section 17, sub-section (6) of section 17-B and sub-section (1) of section 32-M of the Bombay Tenancy and Agricultural Lands Act, 1948; (b) sub-section (8) of section 43 of the Bombay Tenancy and Agricultural Lands (Vidharbha Region and Kutch Area) Act, 1958.

2. A certificate of transfer granted by the Tribunal under sub-section (3) of section 23 of the Bombay Tenancy and Agricultural Lands (Vidharbha Region and Kutch Area) Act, 1958, and

(3) A certificate of exchange granted by—

(a) the Mamlatdar under sub-section (2) of section 33 of the Bombay Tenancy and Agricultural Lands Act, 1948.

(b) The Tahsildar under sub-section (2) of section 51 of the Bombay Tenancy and Agricultural Lands (Vidharbha Region and Kutch Area) Act, 1958.

Note 13.—In the case of persons who have been granted loans under the Bombay non Agriculturists Loans Act, 1928 and who execute fresh mortgage bonds in pursuance of Government Resolution, Revenue Department No. CLS 1454 dated the 22nd November 1955, no fee shall be payable in respect of the bonds so executed.

Note 14.—No fee shall be chargeable on mortgage deeds executed by Government Servants in Civil or Military service for securing repayment of advances received from any Government for the purpose of constructing or purchasing dwelling houses for their own use.

II. For the registration of surrender of a lease the same fee as for the lease surrendered if the same does not exceed Rs. 10/- otherwise Rs. 10/-.

III. This article shall apply to documents on which fee shall be calculated according to the advalorem scale in Article I subject to a certain maximum.

Registration fee, calculated according to the advalorem scale subject to a maximum of Rs. 10-00 shall be levied on the following documents:—

Document which acknowledges merely the payment of the consideration for some document which is also registered; Document which acknowledges the receipt of the consideration expressed in previous registered document but not paid at the time of the execution of such document, where full advalorem fee has, under Article I, been levied in respect of such previous document, reconveyances and releases executed on the extinction of lines on mortgages which are previously registered and on which full advalorem fees have been levied. Documents acknowledging the receipts of instalments on account of mortgages which are registered and on which full advalorem fee has been levied, revocation of trust or settlement (see Note I below) duplicate or duplicates presented for registration with the original document or documents on the same day; duplicate or duplicates not presented for registration with the original document or documents on the same day but on which reference to registration of the original document or documents is quoted, release

executed in pursuance of some other document on which full advalorem fee in Article I has been paid (see Note 2 below).

Note 1.—The revocation of the trust or settlement mentioned in this Article is one executed in pursuance of a power to revoke reserved in the original registered deed of trust or settlement and partial revocation of trust or settlement executed otherwise than in pursuance of such power.

Note 2.—Release executed in pursuance of another document includes release by trustees in favour of beneficiaries and vice versa, release by settlor in favour of settlors; release by benemidar in favour of real owners and documents of a similar nature.

Note 3.—In case of a release the amount or value of the interest or claim release will always be less than the amount or value of the property over which the claim is released. In such cases if the amount or value of the consideration for the release is not shown the registration fee shall be levied according to the advalorem scale in Article I but subject to a maximum of the amount of fee chargeable under Article 1(4) (c).

IV. This Article shall apply to documents on which fixed fee is to be levied.

A fixed registration fee of Rs. 10-00 shall be levied for the registration of the following documents. Power of attorney, writing of divorce, certificate of heirship, guardianship, administratorship or executorship, a notice of pendency of a suit or proceeding referred to in section 52 of the Transfer of Property Act, 1882, revocation of trust or settlement (see Note 2 below,) dissolution of partnership, agreement of preemption in a partition deed or in a lease, Apportionment of property, adoption deed, Declaration, agreement of easement where amount or value of consideration is not shown documents which do not fall within any other Article of the Fee Table.

Note—1 :—Where an advalorem fee on the property to which such trust deed relates has once been paid on the registration of a deed appointing a body of trustees for the management of any property, and a subsequent deed appointing one or trustees in addition to or in place of some of those appointed as above is presented for registration such subsequent deed shall be liable to the fixed fee of Rs. 10/- under this Article.

Note 2.—The revocation of trust or settlement mentioned in this Article is one where a previously registered trust or settlement is wholly revoked otherwise than in pursuance of power to revoke reserved in the original deed of trust or settlement.

Wills and Authorities to Adopt

	Rs.	Pa.	
V. For registration of a will when presented open, or of an Authority to adopt or of a cancellation of a will	10-00	} Besides the expenses of copying the Super-scription or contents according to the rate laid down in Article XI.	
VI For deposit of sealed cover containing a will	10-00		
VIII. For opening of a sealed cover except one opened under section 46 of the Act.	10-00		
VIII For withdrawal of a sealed Cover.	10-00		

Re-registration of Documents

IX. For there registration of a document under section 24 of the The same fee as for the registration of such document.

Searches and Inspection

X. (1) For the first year for each entry in respect of each property for which search or inspection of the Register books or indexes is made...	Rs. Ps. 5-00	Besides a fee of Rs. 5/- for inspection for search of each special index of City surveyed.
For every additional year for each such entry	1-00	properties, or for each survey No. of index known as Madras System wherever maintained.

(2) If, in an application to the registering officer for a copy of an entry, the names of the claiming and executing parties, the nature of the document and the year and place of registration are shown, the fee for search shall not be levied.

Note 1 :—Search fee shall be charged per year in respect of search or inspection of register books or indices taken by a party in respect of each property on application, irrespective of the number of entries, but in respect of an application for a copy of an entry for which search is taken by the registering officer, the search fee shall be charged per year, per entry, per property.

Note 2 :—In the case the register books or Indexes maintained in the merged territories prior to the date of merger of each of such territories in the State of Gujarat the expression "Year" shall means the year recognised for official purposes in each of such territories immediately before the date of its merger.

(3) Government officers requiring to search or inspect the register books or indices for bonafide public purposes shall be exempt from the payment of fees.

Copying fees, Grant of Copies etc.

	Rs.	P.
XI. (1) For copying documents in the register books besides the registration fee for each folio or fraction of a folio of 100 words,		00-50
(2) For copying endorsements on document other than the transcription of the stamp vendors endorsement (<i>vide</i> rule 63 of the Gujarat Registration Rules 1970).		
(a) In all cases (other than wills presented after the death of a testator), a fixed fee of ...	1—	00
(b) In the case of wills presented after the death of testator, a fixed fee of ...	2—	00

Note. —No fee shall be payable in respect of duplicate or duplicates of a document presented for registration along with the original or on which registration reference to the original document on which *advaloram* fee is paid is quoted.

XII. For comparing printed copies of printed documents presented for registration for each folio or fraction of folio of 100 words.	... 00—05
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For filing each such copy ... 2—00

Note :—When a notice of pendency of a suit or proceeding drawn up in a standard printed form is presented for registration, no fee, for comparing printed copies of printed document shall be levied but only fee for filing under this Article shall be levied.

XIII.— For photographing documents for insertion in the register book besides the ordinary registration fee :—

	Ra.	P.
(a) for each page upto the size of 16 1/2" × 10 1/2"	00—80	
(b) For each page of a size larger than 16 1/2" × 10 1/2" requiring to be photographed in parts :—		
For each part upto the size of 16 1/2" × 10 1/2"	00—80	

Explanation :—'Page' means one side of a Sheet.

XIV. For making or granting copies of entries and documents for the benefit of any person, or to be forwarded to any office under sections 65, 66 and 67 or making or granting copies of reasons for refusal by a Registrar under section 76, for each folio or fraction of a folio of 100 words. ... 00—60

Note.—No fee for making copies of documents to be forwarded to any officer under sections 65, 66 and 67 shall be payable in respect of a duplicate or duplicates of a document presented for registration along with the original.

XV. Documents can be photographed in four sizes and extra copies can be granted in whatever size the parties desire. the fees for the different sizes are as under :—

For each extra copy of a document photographed of whatever size :—	Ra.	P.
(a) for each page of the print of the size 7 1/4" × 4 1/2"	00—60	
(b) for each page of the print of the size 10 × 6"	1—00	
(c) For each page of the print of the size 12" × 7 1/2"	1—50	
(d) for each page of the print of the size 13 1/2" × 8 1/2"	2—00	

Explanation :— 'Page', means one side of a sheet

XVI. For granting copy of map :—

Provided that the arrangement for and the cost of making such copy shall be made and borne by the person who applies for it... 1—00

XVII. Government officers requiring copies of entries, documents or maps for *bona fide* public purposes shall be exempt from payment of fees.

Extra or Additional fees :—

	Ra.	P.
XVIII. For registration of any document by a Registrar under section 80(1) ...	10—00	

(In addition to ordinary fee)

Note (a) :—When the registration of any document properly registrable by a Sub-Registrar is performed by the Registrar to whom he is subordinate, owing to the former being a party to the transaction represented by such document, or owing to the Sub-Registrar's ignorance of the English or Hindi language in which a document is written and presented to him unaccompanied by a true translation and true copy, the extra fee will not be charged.

*Note (b) :—*The fee under this Article is not leviable in case of counter parts or duplicates presented on the same day along with their originals or in which registration reference to the originals is quoted, if presented subsequent to the originals.

XIX. For the issue of commission under section 33 or 38 :—

	Rs. P.
(a) If the person is physically unable to attend the office or is confined to Jail.	10—00

(b) Otherwise...	15—00
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XX. For filling translation under section 62 ... 5—00

*Note :—*The fee under this Article is not leviable when a document written in English or Hindi is presented before a Sub-Registrar ignorant of the language and is accompanied by a true copy and true translation of the document.

XXI *Attendance at private residence or Jail*

(1) for every attendance at a private residence under sections 31, 33 and 38.

	Rs. P.
(a) in the City of Ahmedabad...	30.00
(b) at all district head quarter towns...	20.00
(c) at all other places...	10.00
(2) For every attendances at Jail under Sections 31, 33, and 38.	5.00

Note 1. One single fee shall be levied irrespective of the number of documents of which business is transacted provided that a person, who is entitled to exemption from attending the registration office, was a party to each such document.

Note 2. The Inspector General may in his discretion remit the fees under clauses (1) and (2) of this Article in cases in which it appears to him that the levy of such fee would be productive of hardship.

Note 3. For every attendance at private residence of a nurse or female assistant, if required to accompany a Registering Officer to take the thumb impression of one or more female executants who are *pardanshin* or of high birth, an extra fee of Rs. 6-50 p. shall be charged irrespective of the number of documents registered at such private residence.

XXII.—For the safe custody and return of any document presented for registration and not claimed by a persons entitled to claim it (*Vide* Sub-section (2) of section 61 of the Act), Within one month from the date of the prescribed notice (*Vide* sub-rule (3) of rule 63 of the Gujarat Registration Rules 1970) for every day in the second month from the date of notice until such document is claimed.

-DO-	10-00
-do-in the third months...	00.25

Provided, however, that the maximum fee payable under this Article for each document so returned shall be .. 10.00

Provided also that a Registrar may in his discretion remit whole or in part fees leviable under this Article by himself or by a registering Officer Subordinate to him in cases in which it appears to him that the levy of such fees would be productive of in justice or hardship.

Memorandum, Attestation Summons and Warrant Fees.

XXIII For every copy of the Memorandum to be sent.

Under sections 64, 65 and 66	1.00
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Notes—No fee shall be payable in respect of a duplicate or duplicates of a document presented for registration with the original or subsequently in which reference to registration of the original document or documents is quoted.

XXIV for the authentication or attestation of a power of attorney, if special ... 2.50

For the authentication or attestation of a power of attorney if general ... 5.00

XXV. When under section 36 read with section 9 application is made to issue and serve a summons or warrant, process fee of Re. 1/- and remuneration of the persons summoned at the rate from time to time prescribed for the lowest grade of Civil Court having jurisdiction over the place from which the summons or warrant is issued shall be levied from the person at whose instance or in whose behalf, the application is made, provided that more than one summons or warrant is to be served in the same town or village the process fee leviable for each additional summons or warrant after the first shall be Re. 1-00.

This article applies *mutatis mutandis* to summons and warrants issued under section 75 of the Act.

The process fees shall be levied in court fee stamps and the remuneration in cash.

XXVI. One half of the registration fee and all the copying fees in respect of document presented for registration which is withdrawn before the order of registration has been passed and in respect of a document of which registration is finally refused shall be refunded.

Notes—Any fine levied by the Registrar under section 25 is not to be refunded, except under section 70 of the Act. Similarly, any fees levied for issuing commissions, summons and for meeting attendance and travelling allowance charges shall not be refunded if they have been earned or disbursed.

XXVII(a) A Government Department liable to pay registration charges is exempt from the payment of all fees payable under the Table of Fees.

(b) In cases where the fees are payable partly by a Government Department and partly by some other party the exemption under clause (a) shall extend to that part only which is payable by the Government Department.

Published in the *Gazette of India* Part IV-A, dated August 6, 1970/
Sraavana 15, 1892.

HOME DEPARTMENT

Part IV-A—M.G.G., Sr. No. 231.

No. MVO. 1664/C-7239/C-1116-XII.—Sachivalaya, Bombay-82, 28th July, 1970.—In exercise of the powers conferred by clauses (b) and (i) of sub-section (2) of section 21 of the Motor Vehicles Act, 1939 (IV of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Sixth Amendment) Rules, 1970.**

2. In the Bombay Motor Vehicles Rules, 1959,—

(1) in rule 20,—

- (i) in sub-rule (3)—
 (a) for the words "refuse to grant" the words "refuse to grant or renew" shall be substituted;
 (b) for the words "a licence is refused" the words "a licence or renewal thereof is refused" shall be substituted;
 (ii) for sub-rules (6) and (7) the following shall be substituted, namely :—

"(6) The licensee shall give instructions to a trainee enrolled in his school, in the driving of a motor vehicle, for a period of at least one month, covering a total minimum period of eighteen hours of actual driving of the class of vehicles specified in the learner's licence held by such a trainee:

Provided that, in the case of a trainee, who has had previous experience of driving a motor vehicle of the class specified in his learner's driving licence, during the past one year, as established by his holding an expired learner's driving licence, the licensee shall give instructions to such a trainee in driving the said class of vehicle for a period of at least fifteen days, covering a total minimum period of seven hours of actual driving.

(7) The licensee shall—

(a) maintain a record with photographs of the students attending the school from time to time, the duration of their instructions and the date on which they passed the test in driving specified in the Act;

(b) submit to the licensing authority such information and such returns as may be called for by it."

(2) in rule 21, in sub-rule (1), in clause (a), for the words "order granting" the words "order granting or refusing to grant or renew or" shall be substituted.

*These rules were last amended by Government Notification, Home Department No. MVA. 1266/56071-XII, dated the 24th July, 1970, published at page 831 of the *Maharashtra Government Gazette*, Part IV-A, dated the 30th July, 1970.

HOME DEPARTMENT

Part IV-A.—M.G.G., Sr. No 233.

No. POA. 1070/60883-VII.—Sachivalaya, Bombay-32; BR. 25th July, 1970.—In exercise of the powers conferred by clause (1) of rule 2 of the *Maharashtra Probation of Offenders Rules, 1966* and in Super-session of Government Order, Home Department, No. POA. 1058/67967-XXII, dated the 11th April, 1967, the Government of Maharashtra hereby specifies the following areas to be probation districts for the purposes of the said clause, namely :—

- (1) areas comprising of the revenue district of Aurangabad.
- (2) areas comprising of the revenue district of Bhir.
- (3) areas comprising of the revenue district of Nanded.
- (4) areas comprising of the revenue district of Parbhani.

Published in the *Maharashtra Govt. Gazette*, Part I—L, dated July 30, 1970/Sravana 8, 1892.

INDUSTRIES AND LABOUR DEPARTMENT

No. IDA-1267/154539-Lab-II.—Sachivalaya, Bombay-32, 18th July 1970—In exercise of the powers conferred by sub-section (1) of section 38 of the *Industrial Disputes Act, 1947* (XIV of 1947), the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by section 38(1) of the said Act :—

RULES

1. These rules may be called the **Industrial Disputes (Bombay) (Amendment) Rules 1970**.

2. In the Industrial Disputes (Bombay) Rules, 1957 (hereinafter referred to as "the principal rules"), in rule 1, in sub-rule (2) for the words "State of Bombay" the words "State of Maharashtra" shall be substituted.

3. In rule 3 of the principal rules, for the words "Ahmedabad" the words "Poona" or to the Deputy Commissioner of Labour, Nagpur" shall be substituted.

4. In rule 8 of the principal rules,—

(a) for the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted

(b) for the words "Ahmedabad" the words "Poona" shall be substituted.

5. In rule 9 of the principal rules, for clause (b) the following shall be substituted, namely :—

"(b) In the case of workmen—

(i) by the President or Secretary of the trade union of which the workmen are members, or by such other officer of such union as may be authorised by the Executive Committee of the union in this behalf ; or

(ii) by such five representatives of the workmen as are duly authorised at a meeting of the workmen held for the purpose "

6. After rule 9 of the principal rules, the following new rule shall be added, namely :—

"9-A. *Manner of issue of Notification under section 10 A(3A).*—Whereas industrial dispute has been referred to arbitration and the State Government is satisfied that persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette, for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute."

7. After rule 32 of the principal rules the following new rule shall be added, namely :—

"32-A. *Return of documents to parties and destruction of unclaimed records of voluntary arbitration proceedings.*—(1) When any industrial dispute is referred to the arbitration of a non-official under section 10-A, the arbitrator shall after one month of the publication of the award by the State Government send all records of the arbitration proceeding to the State Government.

(2) The records of arbitration proceedings received under sub-rule (1) shall be preserved for a period of 5 years and thereafter destroyed. Before destroying the records, notice shall be given to the party concerned to claim back their exhibits or any other documents within thirty days from the date of service of the said notice on him. The exhibits and documents so claimed back shall be returned to the parties. All papers which are not claimed within the period aforesaid shall be destroyed."

8. In rule 38 of the principal rules, in sub-rule (3) for the word "Ahmedabad" the word "Poona" shall be substituted

9. In rule 62 of the principal rules, in sub-rule (4),—

(a) for the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted.

(b) for the word "Ahmedabad" the word "Poona" shall be substituted.

10. For rule 67 of the principal rules the following rule shall be substituted, namely —

"67. *Application for recovery of dues.*—(1) Where any money is due from an employer to a workman or group of workmen under a settlement or an award or under the provisions of Chapter VA, the workman or the group of workmen, as the case may be, may apply in Form XX-A for the recovery of the money due. Such application shall be delivered personally or forwarded by registered post to the Secretary to Government, Industries and Labour Department, Bombay or to the Deputy Commissioner of Labour concerned to whom powers of the State Government have been delegated under section 39.

Provided that in the case of a person authorised in writing by any workman or in the case of the death of the workman, the assignee or heir of the deceased workman, the application shall be made in Form XX-B.

(2) Where any workman or a group of workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money the workman or the group of workmen, as the case may be, may apply to the Labour Court concerned in Form XX-C for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed. Such application shall be delivered either personally or forwarded by registered post to the Labour Court."

11. After rule 67 of the principal rules, the following new rule shall be added, namely :—

"67-A. *Presiding Officer to call for additional information.*—After an application for computation of benefit is received under section 33-C, the Labour Court may, if it thinks necessary, Call for such additional document or information as it may deem fit."

12. In 79 of the principal rules for the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted.

13. In rule 80 of the principal rules :—

(a) in sub-rule (1) for the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted.

(b) in sub-rule (2), for the word "Ahmedabad" the word "Poona" shall be substituted.

14. In rule 83 of the principal rules in sub-rule (4).—

(a) for the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted.

(b) for the words "Ahmedabad" the word "Poona", shall be substituted.

15. In Form I appended to the principal rules,—

(a) for paragraph 2, the following paragraph shall be substituted, namely :—

"2. This application is made on behalf of.....by the undersigned being of the.....and on behalf of the workmen by the undersigned being the of the Union of which the majority of the workmen directly affected are members/who have been duly authorised to make this application by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the.....held on the.....day of..... 196";

(b) for the words "The Deputy Commissioner of Labour, Ahmedabad" appearing at the end of the Form, the words "The Deputy Commissioner of Labour, Poona/Nagpur" shall be substituted.

16. In Form II appended to the principal rules,—

For the words "Labour and Social Welfare Department" appearing in the beginning and at the end the words "Industries and Labour Department" shall be substituted.

17. In Form XXI appended to the principal rules,—

For the word "Ahmedabad" appearing at the end, the word 'Poona' shall be substituted.

18. In Form XXII appended to the principal rules,—

For the word "Ahmedabad" appearing at the end, the word 'Poona' shall be substituted.

19. In Form III appended to the principal rules,—

(a) for the words "We further agree that the majority decision of the Arbitrators shall be binding on us", the following shall be substituted, namely :—

the majority decision of the arbitrators shall be binding on us.

"We further agree that—

in case the arbitrators are equally divided in their opinion, they

shall appoint another person as umpire whose award shall be binding on us,"

(b) For the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted.

(c) For the word "Ahmedabad" the word "Poona" shall be substituted.

20. In Form XVI appended to the principal rules,—

(a) for the word "Ahmedabad" appearing at the end, the word "Poona" shall be substituted.

(b) for the words "Labour and Social Welfare Department" the words "Industries and Labour Department" shall be substituted.

21. For the Forms XX-A, XX-B and XX-C appended to the principal rules, the following forms shall be substituted, namely :—

FORM XX-A

[See rule 67(1)]

Form of application under sub-section (1) of the section 33C of the Industrial Disputes Act, 1947

To

The Secretary to the Government of Maharashtra,
Industries and Labour Department,
Sachivalaya, Bombay-32.
The Deputy Commissioner of Labour,
Bombay/Poona/Nagpur.

Sir,

I/We have to state that I am/we are entitled to receive from M/s..... a sum of Rs..... on account of..... under the provisions of Chapter VA of the Industrial Disputes Act, 1947/in terms award dated the..... given by...../in terms of the settlement dated the..... arrived at between the said M/s..... and their workmen through .. the duly elected representatives.

I/We further state that I/We served the management with a demand notice by registered post on..... for the said amount

which the management has neither paid nor offered to pay to me/us even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I/We request that the said sum may kindly be recovered from the management under sub-section (1) of section 33C of the Industrial Disputes Act, 1947, and paid to me/us as early as possible.

Signature of the applicant(s).

Address(es)

Station

(1)

(2)

(3)

Annexure

(Here indicate the details of the amount(s) claimed).

Date,

FORM XX-B

[See rule 67 (1) : Proviso]

From of application by a person authorised by a workman or by the assignee or heir of a deceased workman under sub-section (1) of section 33C of the Industrial Disputes Act, 1947.

To

The Secretary to the Government of Maharashtra,
Industries and Labour Department,
Sachivalaya, Bombay-32.

The Deputy Commissioner of Labour,
Bombay/Poona/Nagpur.

Sir,

I Shri/Shrimati/Kumari have to state that "Shri/Shrimati/Kumari... .. is/was entitled to receive from Messrs..... under the provisions of Chapter VA of the Industrial Disputes Act, 1947/in terms of the award dated the..... given by... .. in terms of the settlement of dated the..... arrived at between the said Messrs..... and their workmen through..... the duly elected representatives.

I further state that I served the management with a demand and notice by registered post on..... for the said amount which the management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I request that the said sum may kindly be recovered from the management under sub-section (1) of section 33C of the Industrial Disputes Act, 1947, and paid to me as early as possible.

I* have been duly authorised in writing by..... (here insert the name of the workman) to make this application and to receive the payment of the aforesaid amount due to him.

I* am the assignee heir of the deceased workman and am entitled to receive the payment of the aforesaid amount due to him.

*Strike out the portion inapplicable.

Signature of the applicant.....

Station

Date

Address

Annexure

(Here indicate the details of the amount (s) claimed).

FORM XX-C

[See rule 67 (2)]

Form of application under sub-section (2) of section 33C of the Industrial Disputes Act, 1947.

Before the Labour Court at

Between

(1) Name of the applicants (s).

(2) Name of the employer.

The Petitioner (s) .. workman/workmen of Messrs.....
..... of is/are entitled to receive from the said Messrs.....
..... the money/benefits mentioned in the statement hereto
annexed.

It is prayed that the Court be pleased to determine the amount/am-
ounts due to petitioner (s).

Address(es) .. Signature or thumb
impression(s) of the
applicant(s).

Station.....

- (1)
(2)
(3)
(4)

Date.....

Annexure

(Herein set out the details of the money due or the benefits earned
together with the case of their admissibility).

22. In Form XXIV appended to the principal rules,—

(a) for the words "Labour and Social Welfare", the words "Indus-
tries and Labour" shall be substituted;

(b) in paragraph 3, in column 1 of the Table thereunder, for the
words "Class or designation" the words "Class and designation" shall be
substituted.

(c) for the word "Ahmedabad" the word "Poona" shall be substitu-
ted

23. In Form XXV appended to the principal rules, in the heading
for the word "workman" the word "Union" shall be substituted.

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July 30, 1970/Sravana 8, 1892.

HOME DEPARTMENT

Part IV—A—M.G.G., Sr. No. 216

No. POA 1969/6511-VII —Sachivalaya, Bombay-32, 17th July
1970.—In exercise of the powers conferred by sub-section (3) of section
1 of the Probation of Offenders Act, 1958 (20 of 1958), the Government
of Maharashtra hereby appoints the 1st day of October 1970 to be the
date on which the said Act shall come into force in the following areas,
namely :—

- (1) Osmanabad,
(2) Ahmednagar,
(3) Sholapur,
(4) Dhulia,
(5) Thana,
(6) Jalgaon,

HOME DEPARTMENT

Part IV-A—M.G.G., Sr. No. 218

No MVR 1763/84201—XII.—Sachivalaya, Bombay-32, 21st July 1970.—In exercise of the powers conferred by clause (n) of sub-section (2) of section 63 of the Motor Vehicles Act, 1939 (IV of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959,* the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Third Amendment) Rules, 1970**

2. In the Bombay Motor Vehicles Rules, 1959, in rule 132 for sub-rule (4), the following shall be substituted, namely :—

“(4) Nothing in this rule shall apply to any operator, in respect of whom the State Government, after taking into consideration his financial position and organisational set up, has notified in the *Official Gazette* the adequate arrangements for the safeguard and disposal of lost property found in his vehicles have been made.”

HOME DEPARTMENT

Part IV-A—M.G.G., Sr. No. 219

No MVR 1065/89448—XII.—Sachivalaya, Bombay-32, 22nd July 1970.—In exercise of the powers conferred by clause (k) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939, (IV of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules,* 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Fourth Amendment) Rules, 1970.**

3. In the Bombay Motor Vehicles Rules, 1959, rule 184 shall be re-numbered as sub-rule (1) thereof and after sub-rule (1) so re-numbered, the following shall be inserted, namely :—

“(2) Every entrance and exit of a stage carriage (not being a stage carriage operating within the limits of a municipal council, municipal corporation or cantonment duly constituted or declared under any law for the time being in force) shall be fitted with doors to prevent the passengers from falling out.”

HOME DEPARTMENT

Part V-A—M.G.G., Sr. No. 220

No MVA 1268/56071—XII.—Sachivalaya, Bombay-32, 24th July 1970.—In exercise of the powers conferred by clause (v) of sub-section (2) of section 68 of the Motor Vehicles Act 1939, (4 of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules,* 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Fifth Amendment) Rule, 1970**

2. In rule 91 of the Bombay Motor Vehicles Rules, 1959, in sub-rule (1), for clause (i) the following shall be substituted, namely :—

- (i) in the case of goat, sheep, deer or pig, —
 (a) a minimum floor space of 0.19 square metre per head of such cattle is provided in the vehicle ;
 (b) proper arrangement for ventilation are made; and
 (c) if carried in a double-decked goods vehicle, —
 (1) the upper deck flooring is covered with metal sheets with a minimum height of 7.62 cms raised on all four sides so as to prevent the animal waste matter such as urine, litter, etc. falling on the animals on the lower deck ;
 (2) proper arrangements for drainage are made on each floor, and
 (3) wooden battens are provided on each floor to prevent slipping of hoofs of the animals.

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July 30, 1970/Sravana 8, 1892

BY THE HIGH COURT AT BOMBAY

ORIGINAL SIDE

No. G/84-C(i)/2292.—(Bombay, 21st July, 1970.)—In exercise of the powers conferred by section 554(1A) of the Code of Criminal Procedure, 1898 and with the Previous sanction of the State Government the Hon'ble the Chief Justice and Judges of the High Court at Bombay are pleased to make the following addition in the **Rules for regulating the practice and procedure to be followed in the Court of Session for Greater Bombay.**

Insert the following as rule 26A after the existing Rule 26 at page 6 :—

“26-A (1) Where the Sessions Court passes a sentence of imprisonment, the warrant of commitment to be issued by the Court under section 393 of the Code Criminal Procedure, 1898, shall be signed by the Registrar and shall be in the form given below.

(2) The informations, if any, as required under Paragraph 48(c) II of Chapter V of the Criminal Manual, 1960, should be forwarded to the Jailor within a period not exceeding one week from the date of the order of conviction.

(3) As soon as a fair transcript of the judgment approved and signed by the Judge is received in the Office, the Registrar shall examine whether the warrant forwarded with the convict as required under sub-rule (1) above is in conformity with the judgment in all details and if he finds that it requires amendment to bring it in conformity with the judgment, he shall recall it and return it forthwith duly amended

FORM OF WARRANT OF COMMITMENT

IN THE COURT OF SESSION FOR GREATER BOMBAY, BOMBAY.

Sessions Case No.....197.....

To

The Superintendent,
 Bombay District Prison, Class I,
 Bombay (Criminal Side).

Name of the Convict (Father's name and Surname,

if any)

Age

Residence

Marks of identification (if any)

His plea at the trial

Date of conviction ...
 Police Station and Crime Register No. ...
 Habitual or non-habitual offender (if so classified
 by the Court) ...
 Class I or Class II Prisoner (If so classified by the
 Court) ...

WHEREAS on the..... day of..... One Thousand Nine Hundred and Seventy..... the accused abovenamed was convicted and sentenced by His Honour Shri Additional/Sessions Judge for Greater Bombay as follows :

Section under which convicted.	Substantive term of imprisonment	Amount of fine if any.	Term of imprisonment in default of payment of fine.
1.			
2.			
3.			
4.			

AND WHEREAS the substantive sentences of..... imprisonment at Serial Nos..... and..... above are ordered to run concurrently and the same are also ordered to run concurrently with the substantive sentences of imprisonment awarded in Sessions Cases Nos..... and no separate sentence has been passed in respect of the Offence at Serial No.....;

NOW THIS IS TO AUTHORISE AND REQUIRE YOU, the said Superintendent, Bombay District Prison, Class I, Bombay (Criminal Side), to receive the said convict into your custody in the said jail together with this warrant and there to carry out the aforesaid sentence or sentences into execution according to law.

Given under the seal of this Court this..... day of..... 197.....

Seal

By order of the Court.

Registrar,

Sheristedar,
 The Court of Session
 for Greater Bombay, Bombay.

The Court of Session for
 Greater Bombay, Bombay.

Published in the *Maharashtra Govt. Gazette* Part I-A dated June 18, 1970/Jyaishta 28, 1892

RURAL DEVELOPMENT DEPARTMENT

Part I-A (Gen. Section), M.G.G., Sr. No. 34

Deptt. No. VPA. 1169/20566-N:—Sachivalaya, Bombay-32, 10th June, 1970 —In exercise of the powers conferred by clause (xlvii) of sub-section (2) of section 176 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) (Current Administrative Duties) (After Expiry of Term of Office) Rules, 1967, the same having been previously published as required by sub-section (4) of the said section 177, namely :—

1. These rules may be called the Bombay Village Panchayats (Sarpanch and Upa-Sarpanch (Current Administrative Duties) (After Expiry of Term of Office) (Amendment) Rules 1970.

2. In the Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) (Current Administrative Duties) (After Expiry of Term of Office) Rules, 1967 (hereinafter referred to as "the principal rules") in rule 1, the words, "and Upa-Sarpanch" shall be deleted.

3 In rule 3 of the principal rules,—

(a) the words "and Upa-Sarpanch" occurring in the that rule and in the marginal note thereof, and

(b) in the Table, the heading "Upa-Sarpanch" and the entries in columns 1 and 2, shall be deleted.

RURAL DEVELOPMENT DEPARTMENT

Part I-A (Central Section)—M.G.G., Sr. No. 35.

No. VPA. 1169/20567-N.—Sachivalaya, Bombay 32, 10th June 1970
In exercise of powers conferred by clause (vii) of sub-section (2) of section 176 read with section 36 of the Bombay village Panchayats Act, 1958 (Bom. III of 1959) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby amends the Bombay village Panchayats (Meetings) Rules,* 1959 as follows, the amendment having been previously published as required by sub-section (4) of the said section 176, namely:—

1. These rules may be called the *Bombay Village Panchayats (Meetings) Amendment) Rules, 1970.*

2. In the Bombay Village Panchayats (Meetings) Rules, 1959, in rule 8, for the words and figures 'is not present within 15 minutes of the time appointed' the words 'is not present at the time appointed' shall be *substituted.*

Published in the *Maharashtra Govt. Gazette*, Part IV-B, dated August 6, 1970/Sravana 15, 1992.

FINANCE DEPARTMENT

Part IV-B—M.G.G., Sr. No. 413

No. STA. 1069/2539-XIII.—(Sachivalaya, Bombay-32, 21st July, 1970.)—In exercise of the powers conferred by section 41 of the **Bombay sales Tax Act 1959** (Bom. LI of 1959), the Government of Maharashtra hereby further amends with effect from 21st July 1970 the Government Notification, Finance Department, No. STA-1059-(iii)-G-I, dated 28th December 1959, as follows, namely:—

1. In the schedule to the said notification, after entry 69 the following entry shall be inserted, namely:—

1	2	3	4	5
"70 Sales of goods by a registered dealer to the Central Government or any State Government for the purpose of official use by such Government and not for the purpose of resale or for use in manufacture of any goods for sale.	To the extent to which the amount of sales tax exceeds three paise in the rupee, and to the extent to which the amount of general sales tax exceeds three paise in the rupee provided that if on the same goods sales tax is leviable, no general sales tax shall be levied.	If the authorised officer of the Government furnishes to the selling dealer, a declaration in form AF appended hereto declaring <i>inter alia</i> that the goods so sold to him will be used for the purpose of officer use by the Government and not for the purpose of resale or for use in manufacture of any goods for sale.	Government Notification No. SFA-1069/2539/XIII dated the 21st July 1970	

2. After Form AE appended to the said notification, the following Form shall be inserted, namely :—

'FORM 'AF'

DECLARATION BY AN AUTHORISED OFFICER OF THE CENTRAL/STATE GOVERNMENT PURCHASING GOODS FROM A REGISTERED DEALER.

See Government Notification, Finance Department, No. STA. 1069/2539/XIII, dated the 21st July 1970, issued under section 41 of Bombay Sales Tax Act, 1959.

1. (Name)
 (Designation)
 of Central Government/State Government of
 (name of the State Government) do certify that the goods purchased from
 Shri/M/s. of holder of
 Registration Certificate No. as per his/their Cash
 Memo/Bill No dated
 are purchased by me on behalf of the Central Government/State Govern-
 ment for the purpose of official use by the said Government and not for
 the purpose of resale or for use in manufacture of any goods for sale.

Place :

Signature

Date :

Designation of the Authorised.
 Officer of the Government

Seal of the duly authorised
 officer of the Government.

*Strike out whichever is not applicable."

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 June 11, 1970/Jyaishta 21, 1892.

REVENUE AND FORESTS DEPARTMENT

Part IV-B—M.G.G., Sr. No. 281

No. UNF. 1667-(a)-R—(Sachivalaya, Bombay-32, 25th May, 1970—
 In exercise of the powers conferred by section 330-A of the **Maharashtra Land Revenue Code, 1936** (Mah. XLI of 1936), and of all other powers enabling it in that behalf and in supersession of all orders heretofore made in this behalf the Government of Maharashtra hereby directs that the powers of the State Government under the Said Code specified in column 2 of the Schedule hereto shall be exercisable also by the Officers mentioned in column 3 in their respective jurisdictions to the extent and subject to the conditions indicated in columns 4 and 5 respectively thereof :

SCHEDULE

Serial No.	Powers of the State Government under the Maharashtra Land Revenue Code, 1936	Designation of Officers	Extent of powers to be exercised by Officers in column 3	Conditions

1	2	3	4	5
1	Section 15	The Commis- sioners of Divisions.	All	
2	Section 78	The Settlement Commissioner and Director of Land Records.	To grant reduction of land re- venue as provided in section 78.	Subject to the provisions made in the Maharashtra Land Revenue (Qualifications for Conferment of Powers of Assistant or Deputy Collector or Tahsildar) Rules, 1968. Subject to the provisions of the Maharashtra Land Revenue (Reduction, Suspension and Remission) Rules, 1970.
3.	Section 78	All Collectors	To grant sus- pensions or remission of land re- venue as provide in section 78	Subject to the provisions of the Maharashtra Land Revenue (Reduction, Suspension and Remission) Rules 1970

Published in the *Gujarat Govt. Gazette*, Part IV-A, dated July 30, 1970/
Srawana 8, 1892

CIVIL SUPPLIES DEPARTMENT

No. GTH-30(A)/KSN/1170(i)1795/C.—Sachivalaya, Gandhinagar, 24th July, 1970.—In pursuance of clause 6 of the **Kerosene (Fixation of Ceiling Prices) Order, 1970**, the Government of Gujarat hereby authorises the Officers specified in the Schedule for the purpose of the said clause 6 and specifies that for the purpose of clause (i) each of the officers so authorised may require any dealer within his respective jurisdiction to maintain and produce for inspection such books of accounts or other documents and records relating to the business of such dealer and to furnish such information relating there to as such officer may consider necessary.

SCHEDULE

(i) All Collectors of Districts of Gujarat State for the area within their respective jurisdiction; and

(ii) The Food Controller, Ahmedabad for the City of Ahmedabad as constituted under the Bombay Provincial Municipal Corporations Act, 1949

No. GTH-31(A)/KSN-1170/1795(ii)/C.—(Sachivalaya, Gandhinagar, 24th July 1970.—In pursuance of clause 7 of the **Kerosene (Fixation of Ceiling Prices) Order, 1970**, the Government of Gujarat hereby authorises the following Officers for the purpose of the said clause, namely :—

(1) All Revenue or Civil Supplies Officers not below the rank of an Avalkarkun ;

(2) All Police Officers not below the rank of a Head Constable;

(3) All Zonal Officers, Chief Supply Inspectors and Supply Inspectors; and

(4) All Officers in the Office of the Director of Civil Supplies, Gujarat State, and of the Director of Food, Gujarat State, not below the rank of an Inspector or an Avalkarkun.

Published in the *Gujarat Government Gazette*, Part IV-B, dated July 30, 1970/Srawanā 8, 1892.

INDUSTRIES MINES AND POWER DEPARTMENT

No. GHU-153-ACQ-1164-7199.K—Sachivalaya, Gandhinagar, 17th July, 1970.—In exercise of the powers conferred by Sub-clause (3) of clause 1 of the *Gujarat Electricity Supply Undertakings (Acquisition) Act, 1969* Government of Gujarat is pleased to appoint the 1st August 1970 as the date on which the said Act shall come into force.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. GHKH-549/FRS-2065/72959-P.—Sachivalaya Ahmedabad-15, 15th May, 1970.—In exercise of the powers conferred by section 11 of the *Saurashtra Felling of Trees (Infliction of punishment) Act, 1951* (Sau. XVII of 1951), the Government of Gujarat hereby makes the following rules further to amend the *Saurashtra Felling of Trees (Infliction of Punishment) Rules, 1961* namely:—

1. These rules may be called the *Saurashtra Felling of Trees (Infliction of Punishment) (Gujarat first here specify the serial number of for the year 1970. Amendment) Rules 1970.*

2. In the *Saurashtra Felling of trees (Infliction of Punishment) Rules, 1961*, in rule 3, in clause (5-A), in regulation (iii), in Clause (c), the word "Mahuva" shall be deleted.

No. GHKH 609-WLP-1569/658)2.P—Sachivalaya, Gandhinagar, 15th July, 1970.—In exercise of the powers conferred by section 17 of the *Gujarat Wild Animals and Wild Birds Protection Act, 1963*, Government of Gujarat hereby declares the whole year to be a close time for the *Rain Qualls* throughout the State.

Published in the *Gujarat Government Gazette*, Ext., Part IV-A, No. 62, dated September 14 1970/Bhadra 23, 1892.

FINANCE DEPARTMENT

No. (GN 671)(A)CST 1070/(18)-TH.—Sachivalaya, Gandhinagar, 14th September, 197 —In exercise of the powers conferred by sub-section (3), (4) and (5) of section 13 of the *Central Sales Tax Act, 1956* (LXXIV of 1956) the Government of Gujarat hereby makes the following rules, further to amend the *Central Sales Tax (Bombay) Rules, 1957*, namely:—

1. These rules may be called the *Central Sales Tax (Bombay) (Gujarat Amendment) Rules, 1970.*

2. In the *Central Sales Tax (Bombay) Rules, 1957* (hereinafter referred to as "the said rules"), in rule 1, for sub-rule (1), the following shall be substituted, namely:—

"(1) These rules may be called the *Central Sales Tax (Gujarat) Rules, 1970*".

3. In rule 2 of the said rules,—

(1) for clause (ii), the following shall be substituted, namely:—

"(ii) "Gujarat Sales Tax Law" means the *Gujarat Sales Tax Act, 1969* (Guj. 1 of 1970)";

(2) in clause (iii), for the words and figures "*Bombay Sales Tax Act, 1959*", the words and figures "*Gujarat Sales Tax Act, 1963*" shall be substituted.

4. For rule 6 of the said rules, the following shall be substituted, namely:—

"6 *Period for preservation of Account Books etc.*—Every registered dealer shall preserve all books of accounts, registers and other documents including bills, cash memoranda, invoices, vouchers and other documents relating to the stocks, purchases, despatches and deliveries of goods, till assessment for the relevant period is duly completed in accordance with the provisions of the Act".

5. In Forms III(B), IV-A(B), V(B), VI(B) and VII(B) appended to the said rules, in the heading for the words, brackets and figures "the Central Sales Tax (Bombay) Rules, 1957" the words, brackets and figures "the Central Sales Tax (Gujarat) Rules, 1970" shall be substituted.

6. In Form VIII(B) appended to the said rules,—

(1) In the heading for the words, brackets and figures "The Central Sales Tax (Bombay) Rules, 1957" the words, brackets and figures "The Central Sales Tax (Gujarat) Rules, 1970" shall be substituted;

(2) In paragraph (4), for the words figures and brackets "sub-section (3) of section 36 of the Bombay Sales Tax Act, 1959" the words, figures and brackets "sub-section (5) of section 45 of the Gujarat Sales Tax Act, 1969" shall be substituted;

(3) In paragraph (5) for the word, figures and brackets "section 9(3)" the words, figures and brackets "section 9(2)" shall be substituted.

7. In Form IX(B) appended to the said rules,—

(1) In the heading for the words, brackets and figures "The Central Sales Tax (Bombay) Rules, 1957" the words, brackets and figures "The Central Sales Tax (Gujarat) Rules, 1970" shall be substituted;

(2) For the word, figures and brackets "section 9(3)" wherever they occur, the words, figures and brackets "section 9(2)" shall be substituted.

8. In Form X(B) appended to the said rules,—

(1) In the heading for the words, brackets and figures "The Central Sales Tax (Gujarat) Rules, 1970" shall be substituted;

(2) For the word, figures and brackets "section 9(3)" wherever they occur, the word, figure and brackets "section 9(2)" shall be substituted.

Published in the *Gujarat Government Gazette*, Part IV-B, No. 35,
dated August 27, 1970/Bhadre 5, 1892.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. GHKH/587/APM-1639/21525-D.—Sachivalaya, Gandhinagar,
30th June, 1970.—In exercise of the powers conferred by section 59 of
the Gujarat Agricultural Produce Markets Act, 1963 (Guj. 20 of 1964),
the Government of Gujarat hereby makes the following rules further to
amend the Gujarat Agricultural Produce Markets Rules, 1965, name-
ly :—

1. These rules may be called the **Gujarat Agricultural Produce
Markets (First Amendment) Rules, 1970.**

2. In the Gujarat Agricultural Produce Markets Rules, 1965, in
rule 33, in sub-rule (1) for the words "one year" the words "two years"
shall be substituted.

Published in the *Gujarat Govt. Gazette*, Part IV-B, No. 32, dated September 10, 1970/Bhadra 19, 1892,
Agriculture and Co-operation Department
 No. GH-KH-624/WLP-1069/6972—P.—Sachivalaya, Gandhinagar, 12th August 1970.—In exercise of the powers conferred by Section 17 of the *Gujarat Wild Animals and Wild Birds Protection Act, 1963*, Government of Gujarat hereby declares for the whole year to be a close time for owls through-out the state, as protected species.

Published in the *Gujarat Govt. Gazette*, Ext. Part I-A, Central Section, No. 9L, dated, June 30, 1970/Asadha 9, 1892
Panchayats and Health Department
 No. KP/1970(A)/PKR/26(2)/73-JH—Sachivalaya, Gandhinagar, 30th June 1970.—In exercise of the powers conferred by section 123 of the *Gujarat Panchayats Act, 1961* (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules further to amend the *Gujarat Panchayats (Recovery of Taxes and other Dues) Rules, 1963*, namely:—
 1. These rules may be called, the *Gujarat Panchayats (Recovery of Taxes and other Dues) (Amendment) Rules, 1970*.

2. In the *Gujarat Panchayats (Recovery of Taxes and other Dues) Rules, 1963*, in rule 3, for the words, brackets and figures "sub-section (2)", the words, brackets, figures and letters "sub-section (2A)" shall be substituted.

Published in the *Gujarat Govt. Gazette*, Ext. Part IV-A, No. 46, dated, July 1, 1970/Asadha 10, 1892
Civil Supplies Department
 No. GTH-27-(A)ECC/117/4421-B,—Sachivalaya, Gandhinagar, 1st July, 1970.—In exercise of the powers conferred by clause (f) of sub-section (2) of section 4 of the *Bombay Essential Commodities and Cattle (Control) Act, 1958* (Bom. LXII of 1958), the Government of Gujarat hereby amends the *Gujarat Cattle (Movement Control) Order 1970*, as follows, namely:—
 In the said Order,—

(1) in the preamble for the words "from a place in any of the said districts to a place outside that district" the words "from any place within the limits of the area comprising the said districts to a place outside the said limits" shall be substituted;

(2) in clause 2, for the words "from any place in any of the districts of Banaskantha, Sabarkantha, Kutch, Mehsana and Surendranagar to any place outside the said district" the words "from any place within the limits of the area comprising the districts of Banaskantha, Sabarkantha, Kutch, Mehsana and Surendranagar to any place outside the said limits" shall be substituted.

Published in the *Maharashtra Govt. Gazette*, Part I-L, dated September 3, 1970/Bhadra 12, 1892,
Industries and Labour Department
 Part I-L—M.G.G., Sr. No. 2-46.

No. HDA, 1168/129230/LAB.-II.—Sachivalaya, Bombay-32, 20th August 1970.—In exercise of the powers conferred by clause (a) and (g) of section 38 of the *Industrial Disputes Act, 1947* (XIV of 1947) and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 38 of the said Act, namely—

Rules

1. These rules may be called the **Industrial Disputes Bombay (Third Amendment) Rules, 1970.**

2. Rule 28 of the Industrial Disputes (Bombay) Rules, 1957, shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered, the following new sub rule shall be inserted, namely:—

“(2) Where any award, order or decision is made *ex-parte* under sub-rule (1), the aggrieved party may, within thirty days of the receipt of a copy thereof, make an application to the Board, Court, Labour Court, Tribunal or an Arbitrator, as the case may be, to set aside such award, order or decision. If the Board, Labour Court, Tribunal or Arbitrator is, satisfied that there was sufficient cause for non-appearance of the aggrieved party, it or he may set aside the award, order or decision so made and shall appoint a date or proceeding with the matter:

Provided that, no award, order or decision shall be set aside on any application as aforesaid unless notice thereof has been served on the opposite party”.

Foot note.—The Industrial Disputes (Bombay) Rules, 1957 were last amended under Government Notification, No. IDA. 1070/130286/LAB. II, dated the 5th August 1970.

Published in the *Maharashtra Govt. Gazette*, Ext, Part IV-B, No 165 dated September 8, 1970/Bhadra 12, 1892.

Agriculture and Co-operation Department

No APM 1064/51919-C-I—Sachivalaya Annexe, Bombay-32, 3rd September 1970—In exercise of the powers conferred under sub-section (2) of section 1 of the **Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 1970** (Mah. XXXII of 1970), the Govt. of Maharashtra hereby appoints the 3rd day of September 1970, to be the date on which the said Act shall come into force.

Published in the *Maharashtra Govt. Gazette* Part IV-B, dated October 1, 1970/Asvina 9, 1892.

REVEUE AND FORESTS DEPARTMENT

Part IV-A—M G G., Sr. No. 479

Deptt. No. GDN. 1069/191611-A—Sachivalaya, Bombay-32, dated 15th September, 1970—In exercise of the powers conferred by sub-section (i) of section 39 of the **Maharashtra Gramdan Act, 1964** (Mah. XXIII of 1965), the Government of Maharashtra hereby declares that the Gram Mandal of the Gramdan village Tuljapur in the Murtizapur taluka of the Akola District deemed to be constituted under sub-section (1) of section 9 of that Act shall exercise all the powers and discharge all the duties and functions of the Panchayat in relation to the Gramdan village of Tuljapur.

Part IV-A—M. G G. S No. 298

No. DRG-1570/27740(a) E—Sachivalaya Annexe, Bombay-32 25th September, 1970.—In exercise of the powers conferred by clause 28 of the **Drugs (Price Control) Order, 1970**, the Government of Maharashtra hereby authorises each of the following officers for the purpose of the said clause within the limits of his respective jurisdiction, namely:—

All Officers of the Food and Drugs Administration, Maharashtra State, not below the rank of Drugs Inspector.

Part IV-A—M.G.G., Sr. No. 298

No. DRG-157/27740(b)-E.—Sachivalaya Annexe, Bombay-32, 25th September, 1970.—In exercise of the powers conferred by clause 22 of the *Drugs (Price Control) Order, 1970*, the Government of Maharashtra hereby authorises the following officers for the purpose of the said clause within the limits of their respective jurisdiction, *viz.*

All Officers of the Food and Drugs Administration, Maharashtra State, not below the rank of Drugs Inspector.

Published in the *Maharashtra Government Gazette*, Part IV-A, dated September 3rd, 1970/Bhadra 12, 1892.

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING
DEPARTMENT

Part IV-A—M.G.G., Sr. No. 252

No. PFA, 1069-74029-V.—Sachivalaya, Bombay-32 (KR), 22nd August, 1970.—In pursuance of the provision of sec. 20 of the *Prevention of Food Adulteration Act, 1954*, (37 of 1954), in its application to State of Maharashtra, the Government of Maharashtra hereby authorises the Commissioner of Food and Drugs Administration, Maharashtra State, Bombay for the purposes of that section.

Published in the *Maharashtra Govt. Gazette*, Part IV-A, dated September 1, 1970/Bhadra 26, 1892.

URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING
DEPARTMENT

Part IV-A—M.G.G., Sr. No. 270

No. MIS-1069/21362-C.—Sachivalaya, Bombay-32, 7th September 1970.—In exercise of the powers conferred by sub-section (1) and clause (c) of sub-section (2) of section 50 of the *Special Marriage Act, 1954* (43 of 1954) the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Special Marriage Rules, 1964 namely :—

1 These rules may be called the *Maharashtra Special Marriage (Amendment) Rules 1970*.

2 In the Maharashtra Special Marriage Rules, 1964 in rule 23, each of entries 11 and 13, for the letter 'Do' the figures and words 10 years, and in each of entries 12 and 14 for the letters 'Do', the figures and word '5 years', shall respectively be substituted.

Published in the *Maharashtra Government Gazette*, Part IV-A, dated October, 1, 1970/Asvina 9, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT

Part IV-A—M.G.G., Sr. No. 294

No. FDL, 1070/16203-F.—Sachivalaya Annexe, Bombay-32, 24th September, 1970.—In exercise of the powers conferred by sub-section (1) read with clauses (c), (d), (e), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the *Essential Commodities Act, 1955* (19 of 1955), and of all other powers enabling it in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July 1961, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Foodgrains Dealers Licensing Order, 1963, namely :—

1. This Order may be called the **Maharashtra Foodgrains Dealers' Licensing (Second Amendment) Order, 1970.**

2. In 'Form B' appended to the Maharashtra Foodgrains Dealers' Licensing Order, 1968, after condition 10, the following condition shall be inserted, namely :—

"10A. The Licensee shall take adequate measures to ensure that foodgrains stored by him are maintained in good condition and that damage to them due to ground moisture, rain, insects rodents, birds, fire and such other causes is avoided. Suitable dunnage shall be used where necessary to avoid damage from ground moisture. Fertilisers, insecticides and poison us chemicals likely to contaminate shall not be stored along with the foodgrains in the same godown or shop or in immediate juxtaposition of such foodgrains. It shall further be ensured that at the time of sale, the said foodgrains are in good condition."

Part IV-A—M.G.G., Sr. No 295

No. ECA. 2169/40241/R.—Sachivalaya Annexe, Bombay-32, 24th September, 1970 —In exercise of the powers conferred by sub-section (1), read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955) and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G. S. R. 1111, dated the 24th July 1967, and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Foodgrains Rationing (Second) Order, 1966, namely :—

1. This Order may be called the **Maharashtra Foodgrains Rationing (Second) (Amendment) Order, 1970.**

2. In the Maharashtra Foodgrains Rationing (Second) Order, 1966, in Schedule B, for the words "Whole or broken on flour products thereof" the words "Whole or broken grain or any variety of flour made therefrom; "instant rice" and "instant pulao" shall be substituted.

Published in the *Gujarat Govt. Gazette*, Part IV-A, dated July 2, 1970
Asadha 11, 1892

HOME DEPARTMENT

No. G/G/1875/MVR-1067-7152 (509)-E.—Sachivalaya, Gandhinagar, 15th June, 1970.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (IV of 1939) and of all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules 1959, the same having been previously published as required by sub-Section (1) of section 123 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Gujarat Amendment) Rules, 1970**

2. In rule 70 of the Bombay Motor Vehicles Rules, 1959 in clause (a) the words "when the Committee consists of three or four members the quorum shall be two members and when it consists of five or more members the quorum shall be three members". shall be deleted.

Published in the *Gujarat Govt. Gazette* Ext., Part IV-A, No. 53,
dated August 7, 1970/Sravana 16, 1892

FINANCE DEPARTMENT

No. GN-665-(A) CST 1070/S. 8(5)-(6)-TH.—Sachivalaya, Gandhinagar, 7th August 1970.—In exercise of the powers conferred by sub-section (5) of section 8 of the **Central Sales Tax Act, 1956** (LXXIV of 1956), the Government of Gujarat having been satisfied that it is necessary so to do in the public interest, hereby directs that in respect of *Amchar*, *Ambolia* or dried mango chips, the tax payable under sub-section (2) of the said section 8 by any dealer having his place of business in the State of Gujarat in respect of the sales by him from such place of business of the said goods in the course of inter-State trade or commerce shall be calculated at three percent of the sale price of the goods so sold

Published in the *Gujarat Govt. Gazette*, Ext., Part I-A, Central Section,
No. 115, dated September 7, 1970/Bhadra 16, 1892

PANCHAYATS AND HEALTH DEPARTMENT

No. KP/2033-(A)/PRR. 43(19)/70-JH.—Sachivalaya, Gandhinagar, 7th September 1970.—In exercise of the powers conferred by section 323 of the **Gujarat Panchayats Act, 1961** (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules further to amend the **Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964**, namely:—

1. These rules may be called the **Gujarat Gram and Nagar Panchayats Taxes and Fees (Amendment) Rules, 1970**.

2. In the **Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1934** (hereinafter referred to as "the said rules"), in rule 122-I, after the words "otherwise requires", the words and letters "the expression 'annual letting value' shall have the meaning assigned to it in part II and" shall be inserted.

3. In rule 122-J of the said rules for the words "on the capital value" the words "on the capital value or on the annual letting value" shall be substituted.

Published in the *Maharashtra Govt. Gazette*, Ext., Part IV-B, No.
171, dated September 18, 1970/Asvina 16, 1892.

LAW AND JUDICIARY DEPARTMENT

Part IV-B—M.G.G., Sr No 508

No. CFA. 1066/1288-H.—Sachivalaya, Bombay-32, 18th September, 1970/Bhadra 27, 1892.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Bombay Court fees (Amendment) Act, 1970** (Mah. XXVIII of 1970), the Government of Maharashtra hereby appoints the 1st day of October 1970 to be the date on which the said Act shall come into force.

Published in the *Maharashtra Govt. Gazette*, Part IV-A, dated August
27, 1970/Bhadra 5, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT

Part IV-A—M.G.G., Sr. No. 247

No. ECA. 2269/36406-F.—Sachivalaya Annexe, Bombay-32, 18th August, 1970.—In pursuance of clause 10 of the **Maharashtra Foodgrains Rationing (Second) Order, 1966** and all of other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following

Regulations further to amend the Maharashtra Foodgrains Rationing (Second) Regulations, 1966, namely :—

1. These regulations may be called the **Maharashtra Foodgrains Rationing (Second) Third Amendment (Regulations), 1970.**

2. In the Maharashtra Foodgrains Rationing (Second) Regulations, 1966 (hereinafter referred to as "the said regulations"), in clause 18A,—

(a) for sub-sub clause (1), the following shall be substituted, namely :—

(1) Every authorised agent shall, unless exempted by the State Government or the Controller of Rationing, deposit with the State Government a sum of Rs. 1,000 "

(b) in the Note below sub-clause (2), for the portion beginning with the words "Every authorised agent" and ending with the words, brackets and figures "sub-clause (2) of clause 18", the following shall be substituted, namely :—

"Every authorised agent shall submit a consolidated indent within two days (excluding holidays) from receipt of indents from his constituent ration shops and establishments for such quantities of rationed foodgrains as may be required by his constituent ration shops and establishments for distribution to the consumers";

(c) in paragraph (a) of sub-clause (3), for the portion beginning with the bracket and words "(not more than seven days" and ending with the words and bracket "as the case may be)" the words "within twenty-four hours of actually taking delivery from the godowns," shall be substituted.

3. In Form VII-A appended to the said regulations for paragraph 2 the following shall be substituted, namely :—

"2. The Authorisation is valid for a period of two years from the date of issue, i. e. upto and its validity may be extended from time to time by endorsement".

4. In Form VII-B appended to the said regulations, for the words "execute and perform all or any of the following acts" the words "execute and perform the following acts," shall be substituted.

Part IV. A—M. G. G., Sr. No. 249

No. EGA. 7069/37400-F—Sachivalaya Annexe, Bombay-32, 21st August, 1970—In exercise of the powers conferred by section 1 read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G. S. R. 1811, dated the 24th July, 1967 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Levy Sugar (Regulation of Distribution) Order, 1967, namely :—

1. This Order may be called the **Maharashtra Levy Sugar (Regulation of Distribution) (Third Amendment) Order, 1970.**

2. In the Maharashtra Levy Sugar (Regulation of Distribution) Order, 1967, in paragraph (i) of sub-clause (n) of clause 2, the words, "including Khandasari Sugar" shall be deleted.

Published in the *Maharashtra Govt. Gazette*, Part IV—(Ka), dated
October 30, 1969/Kartika 8, 1891.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

No. P. 0813/37.—The Honourable the Chief Justice and Judges are
pleased to direct that the following amendments be made in the *Civil
Manual, 1960, Volume I* :—

I

Insert the following note after the existing Paragraph 349 in Chap-
ter XIX of the *Civil Manual, 1960, Volume I*, at page 154 :—

"Note —The provisions of Paragraph 349 shall apply *mutatis mutan-
dis* to the cases of personnel of the Navy also in view of the provisions
of sections 20 to 26 of the Navy Act, 1957. Persons governed by the
Navy Act are stated in section 2 of the said Act."

II

Delete Paragraph 350 in Chapter XIX of the *Civil Manual, 1960*,
Volume I, appearing at pages 154 and 155

High Court, Appellate Side

Bombay, 22nd October, 1969.

A. P. YAJNIK,

Additional Registrar.

Published in the *Gujarat Govt. Gazette* Ext., Part-IV-A, No. 64,
dated September 23, 1970/Asvina 1, 1892

CIVIL SUPPLIES DEPARTMENT

No. GTH/43/ECA-4069/(1)A —Sachivalaya, Gandhinagar, 23rd
September 1970 —In exercise of the powers conferred by section 3 of
the Essential Commodities Act, 1955 (10 of 1955), read with the order
of the Government of India in the Ministry of Commerce No. 28(ii)
COM (GEM)/66, dated 18th June, 1966, the Government of Gujarat here-
by amends the *Gujarat Light Diesel Oil (Distribution and Sale) Control
Order, 1969*, as follows, namely:—

In the said Order for sub-clause (1-A) of clause 2, the following
sub-clause (1-A) shall be substituted, namely:—

"(1A) "bulk consumer" means a person holding a permit issued by
a competent authority for the purchase of light diesel oil exceeding
the limit fixed under sub-clause (2) of clause 5, or as the case may be,
the limit specified in the proviso to the said sub-clause (2)."

Published in the *Gujarat Govt. Gazette*, Part IV-B, dated July 9,
1970

FINANCE DEPARTMENT

No. (GHN-849(A))GST-1070-(S. 2(21))-(2)-TH.—Sachivalaya, Gan-
dhinagar, 20th June, 1970 —In exercise of the powers conferred by clause
21 of section 2 of the *Gujarat Sales Tax Act, 1969* (Guj I of 1970), the
Government of Gujarat hereby specifies the following goods as prohibited
goods, namely :—

1. Spare parts and accessories (excluding ball bearings) of machi-
nery covered by sub-entry (1) of entry 16 in Part A of Schedule II.
1. Screen printing blocks meant for use in printing of fabrics.
3. Printing blocks meant for use in printing presses.
4. Aromatic chemicals.

No. (GHN-650(A) GSR-1070/(S. 365)) (2)-TH.—Sachivalaya, Gandhinagar, 20th June 1970.—In exercise of the powers conferred by sub-clause (vii) of sub-section (5) of section 3 of the *Gujarat Sales Tax Act, 1969* (Guj. 1 of 1970), the Government of Gujarat hereby notifies dealers manufacturing by hand ropes from yarn waste to be the dealers of special category for the purpose of sub-section (4) of section 3 of the said Act.

Published in the *Gujarat Govt. Gazette* Part-IV A dated October 29, 1970/Kartika 7, 1892.

INDUSTRIES, MINES AND POWER DEPARTMENT

No. GU/184/MCR/2186-5544—Cbh.—Sachivalaya, Gandhinagar, 13th October, 1970. In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Minor Mineral Rules, 1966, namely:—

1. These rules may be called the *Gujarat Minor Mineral (3rd Amendment) Rules, 1970*.

2. In the Gujarat Minor Mineral Rules 1966 in Form D in Part III after clause 4, the following clause shall be inserted, namely:—

“4A The lessee shall pay such compensation as may be assessed by the Chief Conservator of Forests for damage caused to the land in any area of the reserved forest on account of the Mining operation carried out in such area. The compensation for such damage shall be based on the value of the standing trees in such area and twenty times the sum of annual revenue derived by Government from such land immediately before the grant of lease”.

Published in the *Gujarat Govt. Gazette* Part IV-B, dated October 29, 1970/ Kartika 7, 1892.

FINANCE DEPARTMENT

No. (GHN 651) GSR 1070/(1)—TH.—Sachivalaya, Gandhinagar, 21st October, 1970.—Whereas certain draft rules further to amend the Gujarat Sales Tax Rules, 1970 were published as required by sub-section (4) of section 86 of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970) at pages 898-999 in the Extraordinary issue of the *Government of Gujarat Gazette*, Part IV-B, dated the 1st September, 1970 under the Government notification, Finance Department No. (GHN 651) GSR 1070/(1)-TH, dated the 1st September, 1970 inviting objections and suggestions from all persons likely to be affected thereby till 15th September, 1970;

And whereas no objections and suggestions were received from the public;

Now, therefore, in exercise of the powers conferred by section 86 of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Sales Tax Rules, 1970, namely:—

1. These rules may be called the *Gujarat Sales Tax (Amendment) Rules, 1970*.

2. In rule 42 of the Gujarat Sales Tax Rules, 1970,—

(1) under the heading “conditions” in paragraph (2) after the first proviso the following shall be inserted, namely:—

“Provided further that this condition shall not apply in respect of the purchases of “ghos”, when it is used by the assessee in the manufacture of sweets and sweetmeats”.

(2) in clause (A), for the words “for the purchase of goods” the words for the purchases of goods other than “ghos” shall be substituted.

Published in the *Gujarat Govt. Gazette*, Part IV-B, dated November, 10, 1970/Kartika 28, 1892.

REVENUE DEPARTMENT

No. GHM-4038(A)/M/GSA/1070-Y.—Sachivalaya, Gandhinagar, 3rd November, 1970.—In exercise of the powers conferred by section 28 of the Gujarat Surviving Alienations Abolition Act, 1963 (Gujarat XXXIII of 1963), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Surviving Alienations Abolition Rules, 1963, namely:—

1. These rules may be called the **Gujarat Surviving Alienations Abolition (Amendment) Rules, 1970.**

2. In rule 5(1) of the Gujarat Surviving Alienations Abolition Rules, 1963 (hereinafter referred to as the “said rules”) for the words “seven years” the words “seven and a half years” shall be substituted.

3. In rule 7 of the said rules for the words “seven years” the words “seven and a half years” shall be substituted.

4. In rule 8 of the said rules for the words “seven years” the words “seven and a half years” shall be substituted.

Published in the *Gujarat Govt. Gazette*, Part IV-A, dated November, 19, 1970/Kartika 28, 1892

CIVIL SUPPLIES DEPARTMENT

No. GTH-40(A)/ECA-1470-136-B.—Sachivalaya, Gandhinagar, 12th November, 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. GSR-1111, dated the 24th July, 1967 and with the prior concurrence of the Central Government the Government of Gujarat hereby amends the **Gujarat Rice (Export Control) and Paddy (Movement Control) Order, 1966**, as follows, namely:—

In the said Order in the proviso to clause 3, for the words “one kilogram” the words “five kilograms” shall be substituted.

No. GTH-41-(A)/ECA-2170-136/B.—Sachivalaya, Gandhinagar, 12th November, 1970.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. GSR-1111, dated 24th July, 1967 and with the prior concurrence of the Central Government, the Government of Gujarat hereby amends the **Gujarat Foodgrains Dealers Licensing Order, 1964** as follows, namely:—

In the said Order,—

(1) in clause 2,—

(a) in sub-clause (a), for the words “foodgrains in quantity of twenty quintals or more at any one time, or in quantity of fifty quintals or more” the words “foodgrains in quantity of fifty quintals or more at any one time, or in quantity of one hundred quintals or more” shall be substituted;

(b) sub-clause (e) and (g) shall be deleted;

(2) in sub-clause (2) of clause 3—

(a) for the word “twenty” the word “fifty” shall be substituted; and

(b) for the figures “50” the words “one hundred” shall be substituted;

(3) for clause 4A, the following clause shall be substituted:

"4A. *Periodical returns by dealers.*—Notwithstanding anything contained in the condition mentioned in paragraph 4 of a licence issued before the amendment of this Order by Government Order, Civil Supplies Department No. G7H/41/ECA/2170/136/B, dated 12th November, 1970 the licensee shall submit to the licensing authority a return in Form 'C' every month so as to reach the licensing authority within five days after the close of the month";

(4) in clause 5—

(a) after the proviso to sub-clause (1) the following proviso shall be inserted, namely:

"Provided further that an application for the renewal of a licence made before the end of February immediately following the date of expiry, may, for sufficient reasons, be entertained";

(b) for sub-clause (1-A), the following shall be substituted, namely;

"(1A) Where an application for renewal of a licence is made either within thirty days before the expiry of the period of validity of the licence under sub-clause (1) or before the end of February under the second proviso to sub-clause (1), the licensee shall be deemed to be duly licensed till the date on which the licensing authority either renews or refuses to renew the licence";

(c) for sub-clause (3), the following shall be substituted,—

"(3) The fees specified below shall be chargeable in respect of each licence, namely,—

For issue of licence	Rs. 15/-
For renewal of licence for one year	Rs. 8/-
For renewal of licence for three years	Rs. 25/-
For issue of duplicate licence	Rs. 30/-"

(5) in sub-clause (1) of clause 6—

(a) the words "if he is a wholesaler and rupees one hundred if he is a retailer" shall be deleted;

(b) for the figures and words "12 Years' National Defence Certificates, 10 Years' Defence Deposit Certificates, 10 Years' National Savings Certificates" the figures, words and brackets "7 Years' National Savings Certificates (Second Series), 7 Years' National Savings Certificates (Third Series), 7 Years' National Savings Certificates (Fourth Series)" shall be substituted;

(c) after the words, figures and letter "or under clause 6-B of the Gujarat Sugar and Khandsari Dealers Licensing Order, 1963" the following words, figures and brackets shall be inserted, namely:

"or under clause 6 of the Gujarat Hydrogenated Vegetable Oils Dealers Licensing Order, 1968, or under clause 9 of the Gujarat Light Diesel Oil (Distribution and Sale) Control Order, 1969";

(6) in clause 9A, the words "or class of dealers" shall be deleted;

(7) after clause 11-A, the following clause shall be inserted, namely:

"11-B. *Power of the State Government to suspend all or any of the provisions*—Notwithstanding anything contained in the foregoing provisions of this Order, the State Government may, from time to time, by notification in the Official Gazette, suspend for such period as may be specified in such notification, application of all or any of the provisions of this Order in the whole State or any part thereof";

(8) in Schedule II,—

(a) in Form 'A', item 11 shall be deleted;

(b) in Form 'B',—

(i) in paragraph 1, for the words "as a wholesaler/retailer" the words "as a dealer" shall be substituted;

(ii) in the note appearing in paragraph 2, for the words and figures; "within 48 hours of the actual occupation thereof and shall produce the licence for making requisite changes by the licensing authority" the words and figures "within 96 hours of actual occupation thereof to the licensing authority and shall preserve duplicate copy of such intimation with the licence" shall be substituted;

(iii) in paragraph 4—

(a) in sub-paragraph (i), the words "if he is a wholesaler" shall be deleted;

(b) sub-paragraph (ii) shall be deleted;

(9) in Form 'C' in note (3), for the words "licensed wholesalers, retailers and bulk-consumers" the words "licensed dealers and bulk consumers" shall be substituted;

(10) Form 'C(I)' shall be deleted.

Published in the *Gujarat Government Gazette* Part IV-B, dated

October 22, 1970/Asvina 30, 1892.

No. GHM 3720-MEND. 2670-11664-2. Sachiivalaya, Gandhinagar, 7th October, 1970.—In exercise of the powers conferred by section 8A of the *Bombay Land Revenue Code, 1879* (Bom. V of 1879), the Government of Gujarat hereby:—

(i) appoints the Collector of Baroda as an Additional Collector in the Surat district, and

(ii) directs that the Additional Collector so appointed shall exercise the powers and discharge the duties of the Collector, in the said Surat District, of hearing and deciding appeals made under sub-section (2) of section 101 of the *Gujarat Panchayats Act, 1961* (Guj. VI of 1962) read with section 203 of the *Bombay Land Revenue Code, 1879* (Bom. V of 1879) against orders passed by an officer specified in clause (a) of sub-section (3) of the said section 101 in the said Surat District.

Published in the *Maharashtra Govt. Gazette* Ext., Part IV-A, No.

90, dated October 16, 1970/Asvina 30, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT

Deptt. No. BCA. 2470/8056-F. Sachiivalaya Annexe, Bombay-32, 16th October, 1970.—In pursuance of clause 6 of the *Maharashtra scheduled Foodgrains (Regulation of Distribution) Order, 1966*, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Regulations further to amend the *Maharashtra Scheduled Foodgrains (Regulation of Distribution) Regulations, 1966*, namely:—

(1.) These Regulations may be called the *Maharashtra Scheduled Foodgrains (Regulation of Distribution) (Amendment) Regulations, 1970*.

2. In Form VII appended to the *Maharashtra Scheduled Foodgrains (Regulation of Distribution) Regulations, 1966*, for conditions 6 and 7 following conditions shall be substituted namely:—

"6. This Authorisation is not transferable in any manner, without the previous approval of the Collector.

7. If the concern in respect of which this Authorisation has been issued is to be transferred sub-let or contracted to be run by any other person the holder of this Authorisation shall give 30 days previous notice

in writing to the Collector and the holder and the other person concerned may apply to the Collector for getting the Authorisation transferred to such person. The Collector is not bound to continue the Authorisation after the concern is transferred, sub-let or contracted to be run by any other person or to transfer the Authorisation to such person".

Published in the *Maharashtra Govt. Gazette*, Part IV-A, dated November 12, 1970/Kartika 21, 1892.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 2470/8165.—Sachivalaya Annexe, Bombay-32, 3rd November 1970.—In pursuance of clause 6 of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1968 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Regulations further to amend the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Regulations, 1968, namely:—

1. These Regulations may be called the **Maharashtra Scheduled Foodgrains (Regulation of Distribution) (Second Amendment) Regulations, 1970.**

2. In clause 12B of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Regulations, 1968 (hereinafter referred to as "the said Regulations"), for the portion beginning with the words "Any person to whom" and ending with the words "household consumption may apply" the following shall be substituted, namely:—

"Where a foodgrains card is issued to any person if he or any member of his household included in such card is a holder of any agricultural land outside the local area and he intends to import into the local area for *bona fide* household consumption any scheduled foodgrains produced on such land, he may apply".

3. In Form XIII appended to the said Regulations, for entry 7, the following entry shall be substituted, namely:—

"7. Who are the holders of the cultivable land the produce of which is proposed to be imported. Give names and share of each".

